Members of the Committee:

Chair: John Fike (EN)

Members: Frank Buffa, (BS), Paul Busch (BS), John Carhart (GV), Esther Carrigan (LB); Vince Cassone (SC), Bedford Clark (LA); Ellen Collisson (VM), Prabir Daripa (SC) Leroy Dorsey (LA); Gary Halter (LA), Yassin Hassan (EN); Dan Lewis (SC), Janet McCann (LA), Tim Murphy (AG), Hector Ochoa (ED), Angie Price (EN), David Pugh (AR); Elisabeth Rich (LA), Ercan Sirakaya (AG), Jose Villalabos (LA)

Ex-Officio: Karan Watson (Dean of Faculties); Susan Irza (HR)

Charges from the Senate Executive Committee

A. Football Game Ticket Price Increase (4-21-03)

The Personnel and Welfare Committee (P&W) invited the Athletics Director, Mr. Bill Byrne, to meet with them at the regular meeting on August 4, 2003. Mr. Byrne graciously accepted the invitation, bringing several members of his staff. Mr. Byrne vigorously defended the increase in the price of football tickets to the highest in the Big 12 Conference, the justification being that more money is required to develop a first-class athletic program.

Other issues raised with Mr. Byrne included the rumor that faculty would be required to join the Twelfth Man Foundation in order to purchase season football tickets. Mr. Byrne admitted that all sales of athletic tickets would be handled by the Foundation, but denied that faculty would be required to join. Finally, questions were raised as to faculty seating at football games and fairness in allocating seats. Mr. Byrne stated that faculty seating was better at Texas A&M than at many other major schools, and invited the Senate to take over allocation of faculty seat assignments.

B. Proposed Changes To Policy 12.01.99.M4, Faculty Grievance Procedures Not Concerning Questions Of Tenure, Dismissal Or Constitutional Rights, 06/24/03, 11/7/03

This matter arose from a proposal to the Provost by the Council of Deans to revise the rule covering salary grievances. The Provost stated that faculty input would be required to implement such changes. The issue was thereupon referred to P&W.

The Senate Executive Committee (EC) appointed an ad-hoc committee to work with the Deans in developing a mutually-acceptable rule. Members of the committee included Senators John Fike (Chair) and Jeannie Miller, Deans Jane Conoley (ED) and Richard Adams (VM), and Dean of Faculties Karan Watson.

The ad-hoc committee began meeting during the Fall semester. Initially, there appeared to be little common ground between the desire of the Deans’ representatives to reduce the paperwork associated with salary grievances, and the insistence of the faculty representatives upon maintaining what they viewed as fundamental faculty rights. Over the course of several meetings, however, language was developed which, in the opinion of the Committee, addressed the Deans’ concerns while protecting and enhancing faculty rights.
The ad-hoc committee also decided to include some non-controversial corrections to the sections of the rule dealing with the University Grievance Committee.

The resulting revised rule was approved by Council of Deans, by P&W, and by the Senate Executive Committee. It was presented to the Senate at the meeting of March 1, 2004. Concerns were raised about some of the changes, as well as the distribution of the revised rule. The Senate voted to return the rule to the Committee for further revision.

After receipt of changes to the revised rule suggested by the Liberal Arts Caucus (LAC), the proposed rule including those changes was considered by the P&W Committee on April 20. The LAC’s proposed addition to section 8.1 (basis for grievance) failed on a unanimous vote of those attending, while the LAC’s proposed addition to section 8.2 (deadline for dean’s decision) passed unanimously. The EC approved the latest revision for inclusion on the agenda for the May 10th meeting. While the latest revision has not yet been presented to the Council of Deans, it is believed that it will be approved by them also.

The current rule may be found at http://rules.tamu.edu/urules/100/120199m4.htm; the latest proposed revision is attached to this report.

C. Faculty Senate Resolution on State’s Contribution (10/22/03)
This matter was deferred until more information can be developed

D. System Policy 32.01 Employee Complaint and Appeal Procedures-(11/24/03)
This matter was deferred until the 12.01.99.M4 revisions are completed, since it covers some of the same issues

E. Sexual Harassment/Demanding Sexual Favors From Students (11/24/03)
This matter arose because the Dean of Faculties is currently dealing with two separate and very different cases in this area, and found that there is no specific University rule that covers it. P&W considered the issue at its December 1, 2003 meeting. The consensus was that any such rule would be so lengthy and full of exceptions that an effort to write one would be pointless. Sexual harassment is already covered under existing rules, and the expectation that the faculty should behave professionally and exercise good judgment in dealings with students should take care of other cases.

F. Faculty can only appeal to CAFRT if they have been fired. (2/16/04)
This matter was deferred until more information can be developed.

Other Matters Brought Before the Committee

A. Health and Other Insurance Benefits
As has been the case for the past several years, monthly insurance costs for faculty continue to increase at an annual rate of approximately 18%, reflecting national trends. The System and the insurance providers accommodate this by a combination of higher premiums, higher deductibles, and decreases in certain coverages. The 2004-2005 year will be no different.

B. Appointment Letters
An issue has been raised regarding appointment letters, particularly in instances where the term of a faculty member’s appointment is changed during the academic year, e.g., from 9 months to 12 months. The handling of these appointments, and the related issues of vacation accrual, varies from department to department, even within the same college.

P&W appointed an ad-hoc committee, chaired by Senator Dan Lewis, to work with the Dean of Faculties and report their findings.

C. Zero Merit Raises
Although the Senate acted on this matter during the 20th Session (2002-2003) through a resolution to the President, questions regarding it keep surfacing. It has been reported that the Provost has made it clear to the Deans that faculty who receive satisfactory reviews should not receive zero merit raises (apparently two meetings were required to get the point across). Now there are reports from several colleges that certain deans have advised their department heads that a raise of 0.1% (one-tenth of one percent) meets the Provost’s requirement, while deans in other colleges have indicated that only faculty of outstanding merit will be rated as satisfactory or better. What that dean will do about the potential Post-Tenure Review implications of this action is unknown. Stay tuned.

D. Parking
Although originally referred to P&W, the EC took this matter back and appointed Senate representatives to a university committee to study parking issues. P&W is humbly grateful that the EC will handle parking in the future.

P&W PROPOSED CHANGES to University Rule 12.01.99.M4 as of 4-19-04

12.01.99.M4 - Faculty Grievance Procedures not Concerning Questions of Tenure, Dismissal or Constitutional Rights
Approved February 22, 1999

1. INITIAL INFORMAL RESOLUTION EFFORT
Faculty members believing that they have cause for grievance concerning a matter not covered by the procedures described in the University's Statement on Academic Freedom, Responsibility, Tenure and Promotion, University Policy on Sexual Harassment, or in other Rules should discuss the matter in a personal conference with their department head. If the matter cannot be resolved by mutual consent at this point, the issue should be discussed in a personal conference with the dean. Some colleges may choose to have the college-wide committee, either standing or ad hoc, created for the purpose of reviewing such grievances to enter the process before the deans become involved.

2. SUBMISSION OF A FORMAL WRITTEN GRIEVANCE
Only after the grievant has engaged in informal personal conference(s) with the department head and the dean (unless the college chooses to have the college-
wide committee enter the process before the dean becomes involved) and if the matter has not been resolved by mutual consent at the foregoing levels, the faculty member may send a formal letter of complaint to the dean requesting presentation of the complaint to the college-wide committee. (Grievances related to salary are addressed in Section 8 of this Rule.) The dean shall then refer the complaint to the committee. Within 28 working days from the receipt of the formal letter of complaint, unless in the meantime the issue shall have been resolved to the complainant's satisfaction, the committee shall hold a hearing of the complaint. The committee's decision shall be presented to the dean as a recommendation within 10 working days of the hearing. The dean shall issue a decision within 10 working days of receipt of the committee's decision.

3. PETITIONING THE UNIVERSITY GRIEVANCE COMMITTEE

If a resolution cannot be reached at the college level, the faculty member may petition the University Grievance Committee (UGC) for redress. (Grievances related to salary are addressed in Section 8 of the rule.) The UGC will not hear grievances that have not been heard by a college grievance committee, unless the Dean of Faculties determines that it is in the best interest of the faculty member filing the grievance and the process to go directly to the UGC. The faculty member shall submit the grievance to the UGC through the Dean of Faculties and Associate Provost.

3.1. After consultation with the faculty member and the college grievance committee, the Dean of Faculties and Associate Provost will refer the grievance to the UGC. The following response times will apply after the case has been referred to the UGC. In each case, the time limit shall be in working days:

3.1.1. The Dean of Faculties and Associate Provost will have three days after receipt of such to refer the grievance to the UGC.

3.1.2. The UGC has ten days to decide whether to hear the grievance

3.1.3. The UGC hearing subcommittee will have thirty days to investigate the grievance and write its report and recommendations.

3.1.4. The Dean of Faculties and Associate Provost will have ten days to recommend action to the Provost.

3.1.5. The Provost will have ten days to take final action and notify the Dean of Faculties and Associate Provost, the grievant and the grievant's dean and department head, the UGC chair, and the college grievance committee.

3.2. The petition shall set forth in detail the nature of the grievance and shall state against whom the grievance is directed. It shall contain all factual or other data that the petitioner deems pertinent to the case.
3.3. The UGC will have the right to decide whether the grievance merits a detailed investigation by the UGC. Submission of a petition will not automatically entail investigation or detailed consideration thereof. In determining whether to proceed to a detailed investigation, the UGC shall consider both the petition and the college grievance committee reports.

4. **UGC FINDING OF INSUFFICIENT MERIT**

If the UGC decides that the grievance has insufficient merit, (see 3.3), it shall so inform the Dean of Faculties and Associate Provost by means of a report containing reasons for the UGC’s decision. Then the Dean of Faculties and Associate Provost shall in turn inform the grievant of the UGC finding.

5. **UGC DETERMINES AN INVESTIGATION IS JUSTIFIED**

If the UGC determines that a detailed investigation is justified, the petitioner will be provided an opportunity to present his or her case.

6. **UGC RECOMMENDATION OF ACTION**

The UGC hearing subcommittee shall recommend to the Dean of Faculties and Associate Provost through the chair of the UGC an appropriate course of action. The Dean of Faculties and Associate Provost shall forward the UGC recommendation to the Provost together with his or her recommendations.

7. **COMPOSITION OF THE UGC**

The composition of the UGC will be as follows:

7.1. The faculty of each college and the libraries shall elect from their tenured faculty a representative to serve on the UGC. The term of office shall be two years. Terms begin on September 1.

7.2. The UGC shall elect from their membership a chair and vice chair/secretary. The UGC shall use a rotational system for assigning members to a five person hearing subcommittee with none of the subcommittee members being from the college of the grievant.

7.3. No administrative officer shall serve on the UGC. For purposes of this Rule, administrative officer is defined as department head, dean, director, vice president, provost or any variation thereof.

7.4. Once assigned to a specific case, the membership of the hearing subcommittee remains as originally constituted and the subcommittee must complete its responsibilities as to that specific case. In the event that the term of office on the UGC will expire for any member of the subcommittee before completion of the case, the term of office for that member shall be extended for the purpose of completion of the case.
7.5. The chair may appoint from UGC membership necessary replacements for hearing subcommittee vacancies.

7.6. A quorum for the UGC shall be seven members and a quorum for a hearing subcommittee shall be four members.

7.7. All UGC hearings and subcommittee hearings will be recorded. The hearing shall be closed unless the faculty member requests otherwise.

8. **SALARY GRIEVANCES**

_Salary grievances are to be handled primarily through administrative appeal._ The Rule for addressing salary grievances will be as follows:

8.1. A faculty member who wishes to file a salary grievance should first have a personal conference with his or her department head. Salaries can be grieved based on specific actions or combinations of actions, the result of which is believed by the faculty member to be discriminatory, arbitrary, and/or capricious in nature.

8.2. If the result of that conference is not satisfactory to the grievant, he or she may appeal to the college's dean. Throughout this document the reference to College's Dean shall include School's Deans, Libraries’ Dean, or branch campus CEO. An appeal of the decision by the Department Head concerning a faculty member's salary grievance should be made in writing to the College’s Dean to assure that all parties understand the basis of the grievance. The Grievant should receive a written decision from the College’s Dean within 40 working days from the time the grievance is filed at the Dean's level. **If no decision is reached by the Dean within that time the grievance will be considered to have been decided in favor of the grievant and will move on to the level of the Dean of Faculties.**

8.3. The faculty member may discuss the salary grievance with the Dean of Faculties and Associate Provost at any time in the process. It should be noted that, in these discussions, the Dean of Faculties is acting in the role of faculty ombudsperson concerning the grievance. If the College Dean's decision is not satisfactory to the Grievant, he/she may ask the Dean of Faculties and Associate Provost to continue as ombudsperson in attempting to resolve the case through discussions with the College’s Dean and the Grievant.

8.4. **If the Grievant wishes to take the grievance beyond the College's Dean's level, then the grievance must be formally appealed to the Dean of Faculties. In this event, the role of the Dean of Faculties shifts from ombudsperson to actual participant in the adjudication process. The faculty member must present the Dean of Faculties with the written grievance (which may be updated due to new information or responses at previous levels), a copy of the College’s Dean’s response, whether an ad-hoc investigative faculty committee is requested and, if**
so, recommended members of the faculty committee. At this point, either the Grievant or the Dean of Faculties and Associate Provost may choose to have an ad hoc faculty committee appointed to advise the Dean of Faculties and Associate Provost.

8.4.1. The ad hoc faculty committees shall be appointed by the Dean of Faculties and Associate Provost and be comprised of three faculty members normally chosen from within the grievant's college. Prior to convening, the grievant or the College’s Dean may request the Dean of Faculties and Associate Provost to remove a member for cause. In relation to such a request, the decision of the Dean of Faculties and Associate Provost will be final. The committee's rules of operations are delineated below:

8.4.2. The grievant will provide a written statement of the basis for his or her appeal, and the committee will then decide whether the grievance merits a detailed investigation. If so, the grievant will have the opportunity to meet with the committee. If such an investigation is undertaken the committee will determine what materials it needs for the investigation. Materials which may be consulted include (but are not limited to) a salary history of the grievant in comparison with other members of the department and a curriculum vitae for the grievant as well as for other members of the department as deemed necessary. Normally detailed data only from the previous five-years will be gathered. Descriptive information from periods prior to this five-year period may be provided by the grievant or administrators.

8.4.3. The recommendation of the committee, including a description of the committee's proceedings and reasons for its recommendation, will be reported to the Dean of Faculties and Associate Provost and to the grievant.

8.4.4. The Dean of Faculties and Associate Provost will report his or her decision to the grievant.

8.5. If the procedures in 8.4 do not produce a resolution acceptable to the grievant, the grievant may make a final appeal directly to the Provost, who will review the case both procedurally and substantively before making a decision. Such appeals to the Provost shall be filed in writing, with copies to the other parties (including the Ad-Hoc Committee if any), within 20 business days of receipt of the decision. The Provost may grant additional time for gathering of information upon which to base an appeal. The Provost should render a decision within 20 working days of the receipt of the appeal. If no such decision is rendered by the Provost within that time, then either the decision by the Dean of Faculties, or the recommendation of the Ad-Hoc Committee (if any), whichever is most favorable to the Grievant, shall be effective immediately.
8.6. The *entire* appeal process should normally be completed within a single *academic* year and should be handled as expeditiously as circumstances permit.

**OFFICE OF RESPONSIBILITY:**
Dean of Faculties