

# **RULES AND REGULATIONS**



## **THE TEXAS STATE UNIVERSITY SYSTEM**

LAMAR UNIVERSITY

LAMAR INSTITUTE OF TECHNOLOGY

LAMAR STATE COLLEGE - ORANGE

LAMAR STATE COLLEGE - PORT ARTHUR

SAM HOUSTON STATE UNIVERSITY

SUL ROSS STATE UNIVERSITY

SUL ROSS STATE UNIVERSITY RIO GRANDE COLLEGE

TEXAS STATE UNIVERSITY - SAN MARCOS

**Adopted September 1, 1980**

**Amended July 31, 2009**

#### 4.4 Faculty Grievances.

- 4.41 For purposes of this *Subsection*, “faculty member” means a person employed full-time by the institution, including professional librarians, whose duties include teaching, research, administration, or the performance of professional services. It does not include a person who holds faculty rank but spends the majority of his or her time engaged in managerial or supervisory activities, including a President, Vice President, Associate or Assistant Vice President, Dean, Associate or Assistant Dean.
- 4.42 A faculty member may present a grievance, individually or through a representative that does not claim the right to strike, to a System Component’s President or his or her designee on an issue related to wages, hours of employment, conditions of work, promotion denial, or the non-renewal or termination of the faculty member’s employment. Nothing herein shall require that informal, first and second level interactions between the faculty member and his/her supervisors include such representation.
- 4.43 The President of the Component may develop procedures for faculty grievances on these issues that include the following provisions:
- 4.431 The designee or hearing officer, presiding over the grievance, will make a recommendation to the President, who will make the final decision regarding the grievance;
- 4.432 The faculty member may present the grievance individually or through a representative that does not claim the right to strike;
- 4.433 A hearing officer may not recommend changing the Component administration’s action regarding tenure, non-renewal, termination of employment, or denial of

promotion unless the faculty member establishes, by preponderance of the evidence, that he or she has been denied a right guaranteed by the constitution or laws of the United States or the State of Texas;

4.434 A hearing officer may not recommend changes in disciplinary actions taken against a faculty member, unless the faculty member establishes, by a preponderance of the evidence, that the disciplinary action was an abuse of discretion and authority of the person imposing the disciplinary action;

4.435 The administration of the Component need not state the reasons for the questioned decision or offer evidence in support thereof, unless the faculty member presents a *prima facie* case in support of his or her allegation, in which case, the hearing officer shall determine whether the administration has stated a nondiscriminatory reason for its decision.