

THE UNIVERSITY OF TEXAS AT DALLAS
NUMBERED POLICY MEMORANDA

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FACULTY GRIEVANCE PROCEDURE
THE UNIVERSITY OF TEXAS AT DALLAS

1. Nature and Scope of the Policy
 - 1.1 It is important to collegiality that problems arising out of administrative decisions or actions affecting the academic standing or conditions of employment of members of the faculty be reviewed and resolved in a fair, efficient, and equitable manner.
 - 1.2 The faculty grievance policy is intended to provide an effective process for the review and equitable resolution of contentions by a faculty member that an administrative decision or action affecting the faculty member has not been made in substantial compliance with established University criteria or procedures; that there is no rational basis for the decision or action; or that the decision or action was based upon criteria that are unlawful under the state or federal constitution, laws, or court decisions. Faculty with the rank of Regental Professor, Professor, Associate Professor, or Assistant Professor are entitled to present a grievance pursuant to this policy. So also are nontenure-system faculty who are appointed as Senior Lecturers with a teaching requirement of 24 workload points in organized courses, prorated for administrative appointments, if any, and faculty with appointments to clinical titles. The grievance policy for other nontenure-system faculty is found in the University's *Administrative Policies and Procedures Manual*, D8-140.0, [Grievance Policy and Procedures](#).
 - 1.3 The following administrative decisions or actions are subject to review pursuant to the faculty grievance policy:
 - 1.3.1 A reduction in salary or in a rank;
 - 1.3.2 The denial or withdrawal of a University benefit or privilege;

- 1.3.3 Assignment or reassignment of duties;
 - 1.3.4 Withdrawal or reassignment of the use of University facilities, equipment, or support staff;
 - 1.3.5 Sanctions other than oral reprimand as a result of administrative actions under The University of Texas at Dallas Faculty Conduct Policy 94-III.21-61; or
 - 1.3.6 Issues specified in Section 8 of The University of Texas at Dallas Program Abandonment Policy 94-III.24-59.
- 1.4 The faculty grievance policy does not apply to:
- 1.4.1 Evaluations of a faculty member's professional performance made by a faculty member or administrator acting pursuant to University policy or procedures;
 - 1.4.2 Issues arising from failure to receive merit raises or complaints of the inadequacy of merit raises, which are subject to the policy on merit salary increases for faculty, Policy Memorandum 82-III.22-43;
 - 1.4.3 Adverse actions or decisions that result from procedures provided for in the *Rules and Regulations* of the Board of Regents of The University of Texas System, [Rule 31003](#) concerning abandonment of academic positions or programs, except as provided in 1.3.6 above, or [Rule 31008](#) concerning termination of a faculty member; or
 - 1.4.4 Actions or decisions described in Section 1.3 that are reviewable pursuant to procedures provided by the University's Handbook of Operating Procedures or the *Rules and Regulations* of the Board of Regents of The University of Texas System.
- 1.5 Resort to the grievance policy is a serious matter. It is the responsibility of all parties to resolve grievable complaints quickly and at the lowest possible level. A faculty member who believes that he/she has a grievance under this policy is encouraged to discuss the matter informally with the Committee on Faculty Standing and Conduct. This discussion is not a prerequisite to use of the grievance policy, but is intended to help the faculty member understand the informal and formal procedures that must be followed and whether the subject matter of the complaint may be covered by the policy. The Committee may encourage an administrator to reconsider the decision that is the subject of the complaint or advise the faculty member to withdraw or modify the complaint.
- 1.6 A faculty member has the right of self-representation at any step in the grievance policy and may choose to present a grievance through legal counsel or personal representative during the formal stage of the procedure. If, and only if, the faculty member is represented by legal counsel at the formal stage of the procedure, the University administrator may be represented by the Office of General Counsel of The University of Texas System.

1.7 A faculty member shall not be penalized for filing a grievance unless it is determined that the grievance has been filed in bad faith or with malice.

2. Informal Consultation

2.1 A decision or action that is subject to this procedure must be pursued through the informal consultation process before filing a formal grievance. A formal grievance may be filed only after exhausting the informal consultation process.

2.2 A faculty member affected by grievable decision or action shall present his or her concerns to the administrator responsible for the decision or action within 90 days after the date he or she knew or reasonably should have known of the decision or action. The administrator must respond within 10 work days, explaining the reasons for the action and the criteria employed. Both parties should enter into these discussions seriously, treating them as an opportunity to settle the matter. It is expected that the majority of grievances will be resolved at this stage.

2.3 If informal consultation with the administrator responsible for the grievable decision or action does not result in a resolution of the matter, the faculty member may, within 10 work days after receiving the administrator's response, elect to discuss the administrator's response with the next higher level of administration, respectively, until it has been discussed with the Executive Vice President and Provost (Provost). If resolution of the matter does not occur as a result of this meeting, the faculty member may proceed to the formal grievance procedure. A response shall be provided to the faculty member within 10 work days at each level.

2.4 If the faculty member has not requested discussion of the matter at the next administrative level within 10 work days from the response at the last administrative level, the response of the administrator at that level will stand and no further informal discussion shall be available, nor shall a formal grievance be accepted.

3. Formal Grievance Procedure

3.1 In order to initiate the formal grievance procedure, a faculty member who is unwilling to accept the response of the Provost in the informal consultation process must request the administrator who made the decision or took the action that is the subject of the grievance for a written explanation of the reasons for the decision or action within 30 days after notification of the response of the Provost. The request must be in writing, must include the faculty member's specific questions and concerns, and must state the resolution or relief sought. The faculty member shall send a copy of the request to the dean of the school and the Provost. The formal grievance procedure may be pursued even if a faculty member leaves the University.

- 3.2 The administrator must make a written response to the request within 10 work days, stating the reasons for the questioned decision or action and explaining the procedures, standards, and criteria used. The administrator shall send a copy of the response to the dean of the school and the Provost. The faculty member may elect to appeal the response to the President. The appeal must be made within 10 work days of the administrator's written response. The decision of the President shall be final, and the faculty member will not be entitled to have the decision or action that is the subject of the grievance reviewed pursuant to the formal grievance procedure.
- 3.3 If the faculty member is unwilling to accept the written response of the administrator and does not choose to appeal to the President, he or she may initiate the formal grievance procedure within 30 days after receiving the written response required by Section 3.2 by filing the following documents with the chairperson of the Committee on Faculty Standing and Conduct:
 - 3.3.1 The faculty member's written request to the administrator pursuant to Section 3.1;
 - 3.3.2 The written response of the administrator under Section 3.2;
 - 3.3.3 A written statement of specific facts that the faculty member contends establish that the contested decision or action:
 - 3.3.3.1 Was not made in substantial compliance with established University criteria or procedures;
 - 3.3.3.2 Has no rational basis; or
 - 3.3.3.3 Was based upon criteria that are unlawful under the state or federal constitution, laws, or court decisions.
 - 3.3.4 Notice of whether the faculty member will be represented by legal counsel or a personal representative in the formal grievance procedure with the name and address of such person.
- 3.4 The documents filed pursuant to Section 3.3 shall be the basis for all subsequent steps in this procedure. Copies of the documents filed by the faculty member shall be forwarded by the chairperson of the Committee to the administrator who made the decision or took the action that is contested, the dean of the school, and the Provost.
- 3.5 After a formal grievance is filed, members of the Committee on Faculty Standing and Conduct shall refrain from contact with the parties regarding the subject matter of the grievance, except to respond to questions regarding procedures.

3.6 Within 10 work days after receiving the formal grievance, the Committee on Faculty Standing and Conduct shall determine whether the challenged decision or action is grievable under Section 1.3, and/or whether the grievance is filed as an appeal of a sanction imposed under the Faculty Conduct Policy, and take one of the following actions:

3.6.1 If the grievance is an appeal of any of sanctions (2) through (9) imposed under the Faculty Conduct Policy, then the following procedure is to precede actions under Section 5:

3.6.1.1 The Committee on Faculty Standing and Conduct may elect, after examining the documents presented under Section 3.3, to advise the President, through a written report, that the alleged conduct does not violate the Faculty Conduct Policy, and/or that the violations, if true, are insufficient to justify the sanction, and/or that the evidence does not warrant a hearing.

3.6.1.2 The President must, within 10 work days of receiving this report, inform the grievant and the Committee on Faculty Standing and Conduct of a decision either to cancel the sanction, in which case the matter is terminated, or to proceed with a hearing before the grievance panel under Section 5.

3.6.2 If the grievance requests a review of a decision or action specified in Section 1.3, the Committee on Faculty Standing and Conduct shall determine whether the allegations of fact made by the grievant, if proven, establish a prima facie basis for relief under the criteria of Section 1.2. If the Committee finds that the decision or action is not covered by this policy or that the grievant has not alleged facts that, if proven, establish a prima facie basis for relief and justify redress, it shall dismiss the grievance and notify the faculty member, the administrator, the dean of the school, and the Provost of its decision. The faculty member shall not be entitled to further action within the University.

3.7 If the Committee on Faculty Standing and Conduct does not dismiss the grievance under the provisions of Section 3.6.2 the Committee shall consult with the faculty member and the administrator and select one of the following alternatives for resolving the issues presented by the grievance:

3.7.1 Appoint a mediator who is a tenured member of the faculty but not a current member of the Committee on Faculty Standing and Conduct or the school of any party; or

3.7.2 Appoint a five member grievance panel, as described in Section 5.1, and notify the parties that the panel has been selected subject to challenge or recusal.

3.8 The Committee on Faculty Standing and Conduct may, at its discretion, consolidate the grievances of two or more faculty members who make allegations of the same type against the same administrator and who petition the Committee to have their individual grievances heard by the same mediator or grievance panel. In such situations the mediator or grievance panel shall make separate findings and recommendations regarding the grievance of each faculty member.

3.9 Although the Committee on Faculty Standing and Conduct is constrained to act within the rules contained in this faculty grievance policy, the Committee is expected to report, by a memorandum to the President and the Speaker of the Faculty, issues arising from grievances that are not adequately or appropriately addressed by the applicable University rules.

4. Mediation

4.1 When a grievance is referred to a mediator, the mediator shall have a period of no more than 10 work days to assist the parties in reaching an acceptable settlement. The mediator shall report the results of the mediation to the Committee on Faculty Standing and Conduct. If a settlement acceptable to the parties has not been reached, the mediator shall recommend either: (a) a settlement, (b) the establishment of a grievance panel, or (c) that the grievance be dismissed.

4.2 Upon receiving the recommendation of the mediator, the Committee shall, within 10 work days, accept or reject the recommendation and notify the parties and the President of its decision.

4.2.1 If the Committee accepts the recommendation of the mediator for a settlement of the grievance, it shall forward the recommendation and the report of the mediator to the President for final action.

4.2.2 If the Committee accepts the recommendation of the mediator to appoint a grievance panel, or rejects a recommendation to settle or to dismiss the grievance, it shall proceed to appoint a grievance panel.

4.2.3 If the mediator's recommendation to settle or to appoint a grievance panel is rejected, or a recommendation to dismiss the grievance is accepted by the Committee, it shall dismiss the grievance and the faculty member shall not be entitled to further action within the University.

5. Grievance Panel Selection

5.1 In order to be eligible to serve as a member of a grievance panel a faculty member must:

- 5.1.1 Be a full-time member of the faculty with the rank of Assistant Professor or above;
 - 5.1.2 Not be appointed to an administrative position of department head or above;
 - 5.1.3 Not be a member of the Committee on Faculty Standing and Conduct;
 - 5.1.4 Not be a faculty member of the same school as the faculty member who files a grievance.
- 5.2 A grievance panel shall consist of five faculty members, no fewer than three of whom shall be tenured. Four members shall be chosen by the Committee on Faculty Standing and Conduct by drawing names one at a time, at random, from a pool of all eligible faculty members. If during the drawing process two untenured faculty members are already on the list, any further untenured faculty member drawn shall be replaced by another name drawn at random. After selecting four members in this manner, the Committee shall appoint the fifth member from the tenured faculty of the University to serve as the chair of the panel. The Committee shall notify the members of the panel and the parties to the grievance.
- 5.3 Each party to the grievance may challenge the impartiality of any member of the grievance panel. A challenge for impartiality must be in writing and must state the facts on which the challenge is based. The challenged member(s) shall be the sole judge of whether he or she is capable of considering the evidence and determining the facts with impartiality. Each party shall also have two peremptory challenges to members of the grievance panel. Peremptory challenges or challenges for impartiality must be submitted to the chair of the grievance panel within 5 work days after the appointment of the grievance panel. Parties are cautioned against frivolous use of the right of challenge.
- 5.4 A member(s) of a grievance panel may request to be excused from service for reasons of extreme hardship or for conflict of interest. Requests to be excused must be in writing, must state the reasons upon which the request is based, and must be submitted to the Committee on Faculty Standing and Conduct within 3 work days after notification of appointment to the grievance panel. The Committee will determine whether the request should be granted or denied and notify the member(s) who made the request.
- 5.5 When a member(s) of a grievance panel is excused at their request or as the result of a challenge, the vacancy(ies) will be filled in the same manner as the original appointment.
6. Grievance Panel Pre-Hearing Procedures
- 6.1 After the grievance panel is constituted, the chair will consult the parties to the grievance and the members of the panel and schedule the grievance hearing at the earliest practical date. The chair will notify the parties to the grievance of the date, time, and place for the hearing at least 10 work days prior to the hearing date.

- 6.2 The date for the grievance hearing may be postponed only for good cause. Requests for postponement must be in writing addressed to the chair of the grievance panel and shall state the reasons for the requested postponement. If the panel determines that there is good cause for postponement, a new hearing date shall be selected and the parties to the grievance notified.
 - 6.3 At least 5 work days prior to the date for the hearing, the parties to the grievance shall each furnish the other the names of the witnesses that they intend to have testify; a summary of their expected testimony; and a copy of each document, record, or exhibit that they intend to offer as evidence at the hearing.
 - 6.4 The Committee on Faculty Standing and Conduct shall provide the grievance panel with copies of the documents filed by the faculty member pursuant to Section 3.3.
 - 6.5 The parties to the grievance shall be responsible for notifying the witnesses who will testify on their behalf of the date, time, and place for the hearing.
 - 6.6 Upon request, the University shall provide a faculty member with copies of University documents that the faculty member intends to offer as evidence in the hearing before the panel unless such documents contain information that is made confidential by statute or court order.
 - 6.7 University employees who are requested to be witnesses at a grievance hearing are encouraged by the University to testify regarding matters within their personal knowledge.
7. Grievance Panel Hearing Procedures
 - 7.1 The chair of the grievance panel shall preside at the hearing and has final authority with respect to all proceedings before the panel, including the responsibility for ensuring that the grievance hearing is conducted in accordance with this procedure and that the parties to the grievance, their legal counsel or personal representative, and witnesses conduct themselves in an orderly manner. The chair should begin the hearing by briefly outlining the hearing procedures and informing the parties that all procedural questions and all objections regarding testimony and exhibits are to be directed and ruled upon by the chair.
 - 7.2 All proceedings before the grievance panel will be recorded with equipment provided by the University and operated by a University employee who is qualified to operate such equipment. This recording, the documents filed by the faculty member pursuant to Section 3.3, and exhibits admitted into evidence during the hearing, shall be the official record of the grievance hearing. The parties to the grievance may have access to the official record and will be furnished a copy at cost.
 - 7.3 To avoid issues of invasion of privacy, the hearing should be closed to everyone except the party to the grievance, their legal counsel or personal representative, the grievance panel,

witnesses while giving testimony, and the person operating the recording equipment.

- 7.4 Witnesses should testify from personal knowledge and without regard to what other witnesses may say; therefore, the chair will require all potential witnesses except the parties to the grievance to leave the hearing room until such time as they are called to testify. Witnesses called by one party may be cross-examined by the other party. The chair and members of the grievance panel may ask questions of a witness after the parties have concluded their examination.
- 7.5 In all cases, except the appeal of sanctions imposed under the Faculty Conduct Policy, the faculty member shall have the burden of proof. In the appeal of sanctions imposed under the Faculty Conduct Policy, the University administration shall have the burden of proof.
- 7.6 After the hearing has been called to order by the Chair, the hearing shall proceed as follows:
 - 7.6.1 If the hearing is not an appeal of sanctions imposed under the Faculty Conduct Policy, the following order applies:
 - 7.6.1.1 The faculty member, his or her legal counsel or personal representative, may make a brief statement explaining the basis for the grievance and what he or she contends that the evidence will show;
 - 7.6.1.2 The administration or legal counsel may make a brief statement explaining the basis for the challenged decision or action and what he or she contends that the evidence will show;
 - 7.6.1.3 The faculty member, legal counsel or personal representative, may call witnesses to testify and may offer documentary evidence;
 - 7.6.1.4 After witnesses and evidence have been presented by the faculty member, the administrator or legal counsel may call witnesses to testify and may offer documentary evidence;
 - 7.6.1.5 Each party may call witnesses or offer documentary evidence in rebuttal to the testimony of witnesses or documentary evidence of the other party;
 - 7.6.1.6 After the presentation of evidence has been concluded by both parties, each party may make a brief statement that summarizes the evidence that was admitted and the conclusion(s) that the grievance panel is requested to reach on the basis of that evidence. As the party with the burden of proof, the faculty member has the right to address the panel first and may also make a closing statement after the statement of the administrator. The chair shall determine the appropriate time limit for the statement by each party and shall require that the time limit be observed.

7.6.2 If the hearing is an appeal of sanctions imposed under the Faculty Conduct Policy, the following order applies:

- 7.6.2.1 The administration or legal counsel may make a brief statement explaining the basis for the challenged sanction and what he or she contends that the evidence will show;
 - 7.6.2.2 The faculty member, his or her legal counsel or personal representative, may make a brief statement explaining the basis for the appeal of the sanction and what he or she contends that the evidence will show;
 - 7.6.2.3 The administrator or legal counsel may call witnesses to testify and may offer documentary evidence;
 - 7.6.2.4 After witnesses and evidence have been presented by the administrator, the faculty member, legal counsel or personal representative, may call witnesses to testify and may offer documentary evidence;
 - 7.6.2.5 Each party may call witnesses or offer documentary evidence in rebuttal to the testimony of witnesses or documentary evidence of the other party;
 - 7.6.2.6 After the presentation of evidence has been concluded by both parties, each party may make a brief statement that summarizes the evidence that was admitted and the conclusion(s) that the grievance panel is requested to reach on the basis of that evidence. As the party with the burden of proof, the administrator has the right to address the panel first and may also make a closing statement after the statement of the faculty member. The chair shall determine the appropriate time limit for the statement by each party and shall require that the time limit be observed.
- 7.6.3 The chair will adjourn the hearing and, upon the basis of the evidence admitted at the hearing, the grievance panel will make a written report of its findings and recommendations to the President within 10 work days after the hearing is adjourned. The findings and recommendations of the panel shall be limited to the issues contained in the documents filed by the faculty member pursuant to Section 3.3. The grievance panel may submit majority and minority findings and recommendations as appropriate.
- 7.6.4 Although the hearing panel is constrained to act within the rules contained in this faculty grievance policy, the panel is expected to report, by a memorandum to the President and the Speaker of the Faculty that is separate from its written grievance panel report to the President, issues arising from grievances that are not adequately or appropriately addressed by the applicable University rules.

7.7 Each member of the grievance panel is required to be in attendance throughout the hearing. After the hearing has begun, any member who is unable to continue in attendance because of illness or extenuating circumstances shall not participate further in the hearing or other proceedings under this procedure. Provided at least three panel members continue to serve, the proceedings under this procedure shall continue to completion.

8. Admissibility of Evidence

8.1 The chair must rule upon objections that are made to the admissibility of evidence offered by the parties.

8.1.1 In order to be admissible, the documents or testimony offered must be relevant to issues that are to be decided by the grievance panel. Generally, evidence is relevant if it tends to prove or disprove a fact that is at issue. There must be some logical connection between the offered evidence and a fact that is in dispute. Upon objection, evidence that is not relevant should be excluded.

8.1.2 Testimony of a witness should be based upon statements personally heard or events personally observed by the witness. Fundamental fairness requires that a witness offered by a party be subject to cross-examination by the other party in order to determine whether the witness is testifying from personal knowledge and to test the credibility of the witness. If the knowledge of a witness regarding statements attributable to a person or the occurrence of an event is based upon what the witness has read or has been told by someone rather than what the witness personally heard or observed, testimony of the witness should be excluded upon objection. Written or recorded testimony of a witness will not be admitted except by agreement of the parties to the grievance.

8.1.3 University records and correspondence of University administrators produced in the ordinary course of business shall be admissible, subject to objections as to relevancy.

8.1.4 Evidence that is admissible but is merely cumulative of evidence already in the record should be excluded by the chair upon objection or upon determination by the chair that additional evidence of the same nature as that already admitted is merely repetitious. It is within the discretion of the chair to determine when further testimony on an issue becomes a waste of time.

8.1.5 It is the responsibility of the grievance panel to make fair and impartial findings and recommendations to the President. When irrelevant evidence is offered without objection the grievance panel should recognize it as such and disregard it in its deliberations.

9. Burden of Proof and Consideration of Evidence

9.1 If the grievance is not an appeal of a sanction imposed under the Faculty Conduct Policy, then the faculty member has the burden of going forward with the evidence at the grievance hearing and has the burden of proving by the greater weight of the credible evidence that (a) the decision or action that is the subject of the grievance was not made in substantial compliance with established University criteria or procedures; or (b) that there is no rational basis for the decision or action; or (c) that the decision or action was based upon criteria that are unlawful under the state or federal constitution, laws, or court decisions. If the grievance is an appeal of a sanction imposed under the Faculty Conduct Policy, then the administrator has the burden of going forward with the evidence at the grievance hearing and has the burden of proving by the greater weight of the credible evidence that (a) the sanction that is the subject of the grievance was made in substantial compliance with established University criteria or procedures; and (b) that there is a rational basis for the sanction. The affected faculty member may allege and bear the burden of proving that the sanction was based upon criteria that are unlawful under the state or federal constitution, laws, or court decisions.

9.1.1 Failure to comply with established University criteria or procedures will not be considered substantial if the administrator who made the decision, took the action, or imposed the sanction in question proves by the greater weight of the credible evidence that the same decision, action, or sanction would have resulted even if the omitted criteria or procedure had been applied or followed.

9.1.2 In determining whether a decision, an action, or sanction is without a rational basis the panel may not concern itself with whether the decision, action, or sanction is wise or whether the panel agrees with the decision, action, or sanction. The greater weight of the credible evidence must show that the decision, action, or sanction is arbitrary and irrational. If reasonable minds could differ as to whether the basis given by the administrator supports the decision, action, or sanction, it is not arbitrary and irrational.

9.1.3 A decision, action, or sanction is based upon criteria that are unlawful if the greater weight of the credible evidence demonstrates that the decision, action, or sanction was made because of the faculty member's race, religion, national origin, disability, sex, age, veteran status, protected speech activity, protected right of association, or other basis that may be prohibited by the state or federal constitution, laws, or court decisions.

9.2 The grievance panel is the sole judge of the credibility of a witness. A witness is credible when he or she is believable. In determining the credibility of a witness the grievance panel may consider the demeanor of the witness, the opportunity of the witness to observe events or to acquire personal knowledge that is the subject of the testimony, any interest that the witness may have in the determination of the issues, or any other factor that is relevant to whether the witness is believable.

9.3 Facts at issue may be proven by direct or indirect evidence. Direct evidence is testimony

by a witness who saw the events occur or who heard words spoken that establish the fact in question. Indirect evidence includes testimony of a witness who saw events occur or who heard words spoken that establish a collateral fact or circumstance from which the fact at issue may be logically inferred from common knowledge or experience.

10. Review and Decision of the President

10.1 The findings and recommendation of the grievance panel (majority and minority if appropriate), the tape recording of the grievance hearing, the documentary evidence admitted during the grievance hearing, and the documents filed by the faculty member to initiate the formal grievance procedure shall constitute the record of the grievance hearing and will be forwarded to the President by the chair of the panel within 10 work days after the grievance hearing is adjourned.

10.2 The President will review the record and the findings and recommendations of the grievance panel. Based upon the official record, the President may approve such findings and recommendations, may make modifications, or may make different findings and conclusions. Within 20 work days after receipt of the record of the grievance hearing and the findings and recommendations of the grievance panel, the President will make findings of fact based upon the record and render a decision on the issue(s) that are the subject of the grievance hearing. The decision of the President is final and will be delivered to the parties to the grievance, the chair of the grievance panel, the chair of the Committee on Faculty Standing and Conduct, the dean of the school, and the Provost.

11. General Provisions

11.1 Any time limit provided for in this policy may be extended for no more than 10 work days by written agreement of the parties to the grievance filed with the appropriate chair at least 2 work days prior to the expiration of the applicable time limit.

11.2 If a faculty member who has filed a grievance fails to pursue the grievance to the next appropriate step within the time limit prescribed by this policy or fails to file a written agreement extending the time for taking such action, the faculty member shall be presumed to have accepted the decision that has been made at the previous stage of the procedure.

11.3 A faculty member who does not receive a response to a grievance within the time limit prescribed by this policy or within an agreed extension to such time limit, may proceed to pursue his or her grievance to the next step of the procedure.

11.4 Resort to this policy does not prevent a faculty member from pursuing the issues of his or her grievance in any non-University proceeding; however, if a faculty member seeks resolution of the issues in a non-University forum, he or she shall not be entitled to file a grievance under this policy or to pursue a grievance under this policy that was filed prior to

presenting such issues to a non-University forum for resolution.

11.5 The term "work day" means a day on which classes or examinations are scheduled on the official academic calendar of the University. The term "day" means a calendar day.