

Chapter 3

Employment

EQUAL OPPORTUNITY

It is the policy (ACAF 1.06) of the University of South Carolina Upstate to recruit, hire, train, promote, tenure, and otherwise make educational and personnel decisions without regard to race, color, religion, sex, gender, national origin, age, disability, sexual orientation, genetics or veteran status (except where sex or age is a bona fide occupational qualification) (See University Policies EOP 1.00 Equal Opportunity and Affirmative Action and EOP 1.04 Non-Discrimination Policy; ACAP 1.00). USC Upstate is an affirmative action/equal opportunity institution.

SEARCH PROCEDURES

Procedures for Full-time, Tenure-track Faculty Members

Full-time Faculty in the appropriate academic unit, the unit chair, and the dean are responsible for selection and appointment of full-time, tenure-track faculty members. The process of recruitment and appointment of tenure-track faculty follows certain guidelines designed to hire quality and diverse faculty through a fair and open search process. Practices are in compliance with applicable state and federal laws requiring adherence to equal opportunity and affirmative action provisions. ACAF 1.00 Policy: Recruitment and Appointment of Tenured, Tenure-Track, and Non-tenured Faculty fully prescribes the process briefly outlined below.

The search process begins with a vacancy due to the budget prioritization process or by resignation/termination/unexpected retirement of a current faculty member. After the process for requesting a search and establishing a requisition number, the steps for advertisement are then followed.

The school or department selects a search committee of four faculty from within the unit in which the vacancy has occurred and an additional faculty member from outside the academic unit. If the unit has insufficient faculty to staff the search, then the committee features additional faculty from other units. The chair and/or dean appoints the chair of the search committee.

The search committee is responsible for determining the criteria used to evaluate all candidates, conducting the same review for each candidate, and determining the most qualified candidates for on-campus interviews after conducting an initial round of interviews by phone, video conference, or in person, generally at a professional meeting and contacting the candidates' references.

The search committee presents their list of candidates for campus interviews to the chair and/or dean and assures the proper paperwork is completed. Following approval by the Provost, the committee arranges on-campus interviews. The search committee makes every effort to ensure that each faculty member within the school or department has the opportunity to meet each candidate invited for an interview. Interviews should also include a teaching demonstration and a

presentation of scholarly and creative activities. Faculty members are invited to submit written comments and evaluations on each candidate. The search committee is responsible for ensuring that each candidate is treated in as equal a fashion as possible, and all interviews and itineraries are as similar as possible in order to maintain equal opportunity for all candidates.

The committee chair verbally presents strengths and weaknesses of each candidate to the chair, who makes a hiring recommendation to the dean.

The dean then makes a recommendation to the Provost and seeks approval to make an offer. If approval for the offer of employment is granted, the dean makes the offer and the letter of appointment is forwarded to the candidate from the Provost. Should the candidate reject the offer, subsequent offers may be made by the dean with the approval of the Provost. In the case where the dean and Provost determine there are no suitable candidates, the Provost, after consulting with the dean, determines whether to extend or end the search. All documents pertaining to each candidate must be retained for three years by the appropriate unit.

Any hire with tenure and/or at a professional level (Professor) must be approved by the Chancellor, the President of the USC System, and the Board of Trustees. At the present time the only hires with tenure at a professional level of Professor are Deans.

A faculty member's academic unit is included in the appointment letter at the time of hiring. If a faculty member wishes to change academic units, the request is communicated in writing to the administrative heads of both units (deans, division, department chairs). Membership in the new academic unit requires all of the following:

- majority vote of the faculty in both academic units,
- consent by the deans involved in the change, and
- approval by the Provost and the Chancellor.

If the request is approved, the Provost issues a letter of change in academic unit and notifies the Office of Human Resources, the deans, division, department chairs, and the Faculty Chair.

Procedures for Full-time, Non-Tenure-track Faculty Members

In general, the selection and appointment procedures for instructors follow that for full-time, tenure-track faculty. However, because the opportunity to hire instructors may follow a shorter calendar than that of tenure-track faculty, and because instructors may not have the service, scholarship, and governance responsibilities of tenure-track and tenured faculty, their selection and appointment procedures can be streamlined as necessary. The search committee must include at least three unit faculty members. The search committee is responsible to ensure that the evaluations of candidates are as similar as possible in order to maintain equal opportunity for all candidates. The search committee chair verbally presents strengths and weaknesses of each candidate to the chair, who makes a hiring recommendation to the dean. The dean makes the final hiring decision.

Appointment of instructors is by written letter of appointment. Initial appointments are one year; subsequent appointments are for up to three years, renewable by the dean with the

approval of the Provost.

Instructor-level faculty members may not be moved directly to tenure-track positions, as all such selection and appointment must follow the guidelines described in the procedures for hiring full-time, tenure-track faculty.

Procedures for Faculty Administrators

Procedures for Department/Division Chairs. Candidates for department chair must be full-time, tenured faculty, and only under unusual circumstances should untenured faculty be considered as candidates. The successful candidate should exemplify the department's mission, meet a high standard according to the unit criteria, and demonstrate experience and skills in organization, management and strategic planning.

The unit faculty elect up to three persons to serve on a search committee. Applicants' letters of interest and vitae are submitted to the committee. If the search is internal, the search committee collects letters of application and vitae from all candidates, which are circulated among all voting unit faculty. The search committee presents the names of applicants to the voting members of the unit faculty. Faculty members rate each candidate as "recommended" or "not recommended" for the position and rank recommended candidates in order of preference. The names of candidates recommended by a majority of the faculty are forwarded to the dean. The dean appoints a department chair with the approval of the Provost. External searches follow the procedures outlined in ACAF 1.00 Policy: Recruitment and Appointment of Tenured, Tenure-Track, and Non-tenured Faculty.

Interim appointments follow the same procedures described above. Interim appointments are limited to a maximum of one year or until the first summer or winter break, whichever comes first. A search committee for a department chair must be formed as soon as possible.

Term of Appointment. The term of appointment for a department chair is three years, though terms should be limited as necessary to allow a transition to take place over the summer or winter break. After completing a term, reappointment for an additional term may be made by the dean in consultation with the faculty of the department and the Provost. Consultation with the department faculty will include a vote on whether the current chair is recommended or not recommended for the position. The dean's office will conduct the confidential poll. In the case of reappointment, the decision will be relayed to the unit faculty accompanied by the rationale for reappointment. Normally, department chairs will not be appointed for more than two terms. Reappointment beyond the second term is restricted to cases where it is clearly in the department's and University's best interest.

The appointment of a department chair may be terminated at any time by the dean with the approval of the Provost.

Procedures for Deans. The selection of a dean and the evaluation of performance in that office are matters requiring the joint consideration of the faculty and administration. The following are general policies defining the procedures for faculty participation in the appointment

and reappointment of deans.

Comprehensive Search. Comprehensive searches are recommended for new deans. The comprehensive search includes both internal and external candidates. Before the search committee is formed, the Provost, in consultation with the Chancellor and the faculty of the college or school, determines whether unusual circumstances exist that would limit the search to present faculty members of the university.

When a vacancy occurs in the position of dean, the Provost informs the faculty of the college or school in writing and invites the faculty to elect up to three persons to serve on a search committee. Participation by faculty members in the selection of a dean is restricted to full-time faculty members at the instructor level or above who have not been officially notified of non-reappointment or final, unfavorable decisions on tenure. Instructors are eligible to participate if their participation is recommended by a majority of the unit's tenured or tenure-track faculty and is approved by the Provost. The Provost appoints up to four additional members, which could include members of the administration, staff, faculty and community, as long as the majority of committee members are faculty. The Provost appoints the chair of the search committee.

The search committee places a notice of vacancy in the appropriate professional journal or personnel newsletters and in at least one general publication, such as the *Chronicle of Higher Education*. An independent search firm also may be used, in which case that firm collects and may complete an initial screening of candidate files, which will include letters of application, vitae, transcripts, and three letters of recommendation. The search committee reviews either all of the candidate files or the files of the candidates who pass the initial screening of the independent firm. After contacting the references of the most promising candidates, the committee consults with the Provost, and the committee arranges interviews. The number of external candidates exceeds four only with the specific approval of the Provost. The search committee makes every effort to ensure that each faculty member within the college or school has the opportunity to meet each candidate invited for an interview. Faculty members are invited to submit written comments and evaluations for each candidate they meet. The search committee is responsible for ensuring that each candidate is treated in as equal a fashion as possible, and all interviews and itineraries are as similar as possible in order to maintain equal opportunity for all candidates.

The search committee must submit at least three finalists to the Provost without rank order. The Provost may meet with the search committee to discuss the pros and cons of each candidate. Upon review of the information, the Provost makes the appointment, subject to approval by the Chancellor. If none of the candidates are acceptable, the Provost consults with the search committee and determines whether to extend or end the search.

Internal Search. The Provost may decide to limit the search to persons already on the faculty. If the search is internal, the search committee invites nominations, collects letters of application and vitae, and makes application materials available to the faculty. Thereafter, internal searches follow the procedure for comprehensive searches with the single exception of placing notices in off-campus publications.

Term of Appointment. The term of appointment for a dean is five years. After completing

an initial term, reappointment for additional terms may be made by the Provost in consultation with the faculty of that college or school. Consultation with the faculty of the college or school will include a confidential poll of faculty by the office of Academic Affairs on whether they “recommend” or “do not recommend” reappointment. Usually, a dean will not be re-appointed beyond a second term. The appointment of a dean may be terminated by the Provost with the approval of the Chancellor and the President.

Interim Appointment. Because of the important role deans play in the administration of the college or school, the official procedure of appointment described above should be followed in all instances. Only under extraordinary conditions — such as promotion, reassignment, abrupt resignation, or dismissal of a dean — should an interim appointment prove necessary. Under such circumstances, the Provost, in consultation with the faculty of the college or school and the Chancellor, appoints the interim dean.

Procedures for Provost. As the Provost is the top academic post at the university, the selection and the evaluation of performance in that office are matters requiring the joint consideration of the faculty and the Chancellor. The following are general policies defining the procedures for faculty participation in its appointment and reappointment.

When a vacancy occurs in the position of Provost, the Chancellor informs the faculty of the University in writing and invites the faculty to elect up to three persons to serve on a search committee. Participation by faculty members in the selection of the Provost is restricted to full-time faculty members at the instructor level or above who have not been officially notified of non-reappointment or final unfavorable decisions on tenure. Instructors may be eligible to participate if such participation is recommended by the majority of the University faculty eligible to vote and is approved by the Chancellor. The Chancellor may appoint up to six additional members, which could include members of the administration, staff, faculty and community, as long as the majority of committee members are faculty. The Chancellor appoints the chair of the committee.

The search committee places a notice of vacancy in the appropriate professional journal or personnel newsletters and in at least one general publication, such as the *Chronicle of Higher Education*. An independent search firm also may be used, in which case that firm collects and may complete an initial screening of candidate files, which will include letters of application, vitae, transcripts, and three letters of recommendation. The search committee reviews either all of the candidate files or the files of the candidates who pass the initial screening of the independent firm. After contacting the references of the most promising candidates, the search committee consults with the Chancellor, and the committee arranges interviews. The number of external candidates exceeds four only with the specific approval of the Chancellor. The search committee makes every effort to ensure that each faculty member has the opportunity to meet each candidate invited for an interview. Faculty members are invited to submit written comments and evaluations for each candidate they meet. The search committee is responsible for ensuring that each candidate is treated in as equal a fashion as possible, and all interviews and itineraries are as similar as possible in order to maintain equal opportunity for all candidates.

The search committee must submit at least three finalists to the Chancellor without rank order. The Chancellor may meet with the search committee to discuss the pros and cons of each

candidate. Upon review of the information, the Chancellor makes the appointment, subject to approval by the President. If none of the candidates are acceptable to the Chancellor, the Chancellor consults with the search committee and determines whether to extend or end the search.

Term of Appointment. The term of appointment for the Provost has no defined limit. The appointment of a Provost may be terminated by the Chancellor with the approval of the President.

EMPLOYMENT POLICIES

Responsibility for academic personnel on the USC Upstate campus is delegated to the Provost with, as appropriate, consultation with the System offices of the Provost and the Vice President for Human Resources. On the USC Upstate campus, the Office of Human Resources is responsible for maintaining employee records for all USC Upstate employees, including academic personnel, and for supplying benefit information to all employees. For information on employment records or benefits such as retirement or workers' compensation, faculty members work with the USC Upstate Office of Human Resources. Contact the USC Upstate or USC Columbia Office of Human Resources for more information.

Term of Employment

In the absence of special arrangements, employment of the members of the faculty is for a period of nine months. For fall semester, faculty report on August 16 (the first day of employment) and work up through to the day the University is closed in December. For spring semester, faculty report on the first day of employment designated by the date when the University is opened and work through to May 15, the last day of employment. The salary for one semester is one-half that of the nine-month period.

Summer Employment

Faculty members may teach during summer sessions for additional remuneration. Generally, full-time faculty members receive 7½% of the salary received during the previous academic year for each summer course.

Faculty members must advise the department chair or dean at the beginning of the fall term of their summer school intentions and at that time may be assigned to teach in a summer session, as conditions warrant. On the recommendation of the dean and the Provost, faculty members may be assigned special duties for this period.

Outside or Dual Employment

Faculty members may be permitted to do professional work of an expert character outside the University and to receive pay for it when the work contributes to their professional development. Faculty members do not undertake outside professional work without the prior approval of their dean and follow the annual reporting procedures outlined in Policy 1.50. The University reserves the right to declare a conflict of interest at any time.

No members of the teaching staff can receive compensation for tutoring students in any

course for which they are empowered to grant the student credit or over which they have any authority. This regulation does not prohibit tutoring for remuneration in subjects over which the tutor has no control.

State law regulates dual employment.

Faculty Dual Career Accommodation

The University of South Carolina is committed to recruiting and retaining outstanding faculty and academic personnel on all campuses and in all schools and divisions. Candidates for these positions are often part of dual career couples. A candidate's final decision to accept or reject an offer of employment is increasingly influenced by the University's ability to identify appropriate employment for the candidate's spouse or partner. The ACAF 1.61 *Faculty Dual Career Accommodation* policy and guidelines are designed to assist department chairs, program directors, and other administrators attempting to explore a spouse/partner hire.

Consensual Relations Policy

Instructional staff members must refrain from engaging in any romantic or sexual relations with students over whom they have academic or supervisory control. Violation of this policy may result in dismissal from the University.

Political Activity

Faculty members may seek public office if the candidacy will not interfere with their normal duties or present a conflict of interest. Before a faculty member announces for public office, the Chancellor must approve each candidacy. If the Chancellor determines that the candidacy would interfere with the faculty member's normal duties, the Chancellor may require the faculty member to take leave without pay or resign before announcing for office.

No person may use University or other government personnel, equipment, materials or facilities in an election campaign.

Full-time faculty members normally shall not engage in or manage statewide campaigns or seek political positions that pay compensation.

Leave Policies

Leave without Pay. Leave without pay may be granted for active military service or for an extended period of disability because of illness, injury or family leave.

The Chancellor may grant leave without pay on the recommendation of the Provost if the best interest of USC Upstate will be served. If a faculty member fails to return after the period for which leave has been granted, the appointment is terminated. The authorization of leave without pay is a matter of administrative discretion and may be considered for extended absence in the interest of USC Upstate, such as advanced academic training, research, or experiences leading to increased competence of the faculty member. Such leave may be granted for a maximum

continuous period of one year, unless extended by the President.

Leave without pay for reasons other than those stated above may be granted by the chair or dean for up to 10 consecutive calendar days. Upon request by the chair or dean, the Provost may grant leave without pay in excess of 10 consecutive calendar days. Failure to obtain approval prior to taking leave without pay may result in the absence being charged as unauthorized leave.

Annual leave and sick leave do not accrue during periods of leave without pay, but accumulated totals are not forfeited. Before beginning leave, faculty members should consult the USC Upstate Human Resources Office for information on the continuation of retirement, insurance and other employee benefits during the period of leave.

Leave without pay does not affect tenure; however, a period of time during which a faculty member is on leave without pay is not counted toward the acquisition of tenure.

Sabbatical Leave. Sabbatical leaves are intended to allow full-time tenured faculty members relief from normal duties in order to pursue significant projects designed to improve their capabilities as scholars and teachers and hence to increase their future contribution to the mission of USC Upstate. Sabbatical leaves are designed to permit faculty members to achieve educational goals that could be reached only over an extended period if pursued under the demands of regular University duties. Consequently, recipients of sabbatical leave are to be separated from all University duties during the leave.

To be considered for sabbatical leave, a faculty member must be a tenured associate professor or professor with six or more years of full-time service and must be eligible to serve for a reasonable period following completion of leave, under no circumstances less than one year. Faculty members who do not choose to return for whatever reason are liable to USC Upstate for the full amount paid during the period of sabbatical leave. However, in the event of death or permanent disability due to illness or accident while on sabbatical leave, USC Upstate does not exercise its right of repayment.

Before beginning sabbatical leave, faculty members should contact Human Resources about the continuation of health and dental insurance, and other benefits.

Twelve-month faculty members do not accrue annual leave while on sabbatical leave.

A sabbatical leave provides one-half pay for a full academic year, or full pay for one-half of an academic year. Granting sabbatical leaves of absence is dependent upon budget limitations, workloads, and other considerations. Therefore, it is a matter of administrative discretion. Faculty members shall not be granted sabbatical leave more frequently than every seventh year. See *Policies & Procedures* for more information on Sabbatical Policy and Guidelines (see Appendix III).

Modified Duties. All full-time faculty members (tenured, tenure-track, and Instructors) are eligible for modified duties. The University encourages faculty to utilize this policy as

needed to respond to anticipated or unanticipated life events or situations. Academic unit heads, deans and college/school leaders and administrators are expected to work with faculty to accommodate these situations, in accordance with ACAF 1.6 *Modified Duties Semester for Faculty* and other applicable Academic Affairs (ACAF) and Human Resources (HR) policies. This policy is not intended to diminish the rights and benefits of the Family Medical Leave Act or any other state or federal law (see guidelines in Appendix III).

Fellowship Leave. Recognizing that it is in the interest of the University to encourage and support faculty who apply for and receive nationally competitive fellowships, USC Upstate has adopted a policy for supporting faculty members who receive Fulbright grants and similar awards. Faculty accepting such grants will receive half salary for the duration of the grant and will continue to be considered employees of USC Upstate. This means they will continue to have access to full health and retirement benefits in accordance with their individual plans and that the time they serve as a Fulbright Scholar will be credited toward salary increases and retirement. Faculty may request an extension of the probationary period, in accordance with policies covering extension. Faculty should discuss their Fulbright plans with their chair and dean prior to applying for the grant so that the unit can adequately plan for their absence. For more information, see ACAF 7.09 2008 (see Appendix III).

Court Leave. Faculty members summoned to jury duty or subpoenaed as witnesses for litigation in which they are not parties are granted leave with pay

Other Leave Policies. The HR 1.03 *Human Resources* policy sets forth the University of South Carolina's Annual Leave Policy for all employees eligible for annual leave, pursuant to regulations of the South Carolina Division of Human Resources. The HR 1.06 *Sick Leave* policy sets forth guidelines for sick leave for eligible employees of the University. HR 1.07 outlines the *Family Medical Leave* policy and 1.09 pertains to the *Other Leave Without Pay*.

Benefits

This section describes benefits pertaining specifically to faculty. Otherwise, all HR policies apply to faculty as employees of the University.

All benefits are subject to state regulations, University policies and procedures, the individual plan document, and the duly executed and recorded Notice of Election forms.

Tuition Assistance. Eligible faculty and staff members may apply to their supervisor, chair or dean to take, tuition-free, one three-hour course (or a four-hour laboratory course) per academic term. Eligibility is determined by the HR 1.61 Human Resources *Tuition Assistance* policy.

Distinguished Professor and Emeritus Titles. Upon recommendation of the dean and approval of the Board of Trustees, the title *Distinguished Professor* is awarded to tenured full professors who do not hold named or chaired professorships in their final year of service. Upon retirement, the title is changed to *Distinguished Professor Emeritus*. A professor who holds a named or chaired professorship at the time of retirement is awarded the title *emeritus* upon

retirement. The title *emeritus* professor normally is conferred on any tenured assistant or associate professor at the time of retirement. Citations are presented to *emeritus* recipients and every effort is made to provide them with office space, parking privileges and other professional amenities.

Retired faculty members are entitled to all available benefits under law and through the state retirement system or the Optional Retirement Program. The University may provide part-time employment for retired faculty members on an annual basis. It may approve part-time service upon the written request of a retired faculty member, the recommendation of the chair or dean, and the approval of the Provost and Chancellor.

Faculty Ombudsperson. The faculty ombudsperson offers an informal, impartial and neutral avenue for faculty to discuss problems or issues within the University. The faculty ombudsperson strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues.

The identity of all persons meeting with the faculty ombudsperson are kept confidential, as are all discussions between the faculty member and the faculty ombudsperson, unless permission is given to disclose the identity and/or information. The only exception to confidentiality is when such a disclosure is required by law, University policy or where there appears to be imminent risk of serious harm.

The faculty ombudsperson does not take a side in disputes. As an informal resource, they do not participate in any formal adjudicative or administrative procedure related to concerns brought to their attention. The faculty ombudsperson advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization. These unique characteristics distinguish the ombudsman from mediators, arbitrators and other alternative dispute resolution professionals.

Communications made to the faculty ombudsperson are not notice to the organization. However, the ombudsman may refer individuals to the appropriate place where formal notice to the University can be made.

While the faculty ombudsperson reports administratively to the Provost, they operate in an independent and confidential manner and have no formal decision-making authority. While maintaining confidentiality, the faculty ombudsperson will provide feedback to the administration (or others in authority) when a common issue or trend occurs.

The faculty ombudsperson adheres to the principles of the International Ombudsman Association.