

## **Chapter 6**

### **Faculty Grievance Process**

USC Upstate faculty members have the right to grieve decisions affecting their employment through the failure to follow appropriate written and approved policy and procedures. Such circumstances may include but are not limited to unlawful discrimination; inadequate or improper documentation; use of impermissible criteria; or denial of academic freedom.

The grievance process is reserved for instances in which all other appropriate avenues of appeal or arbitration have been exhausted. The outcome of the process is limited to recommending appropriate action to the Chancellor.

#### **GENERAL**

The grievance process should be reserved for instances in which other appropriate avenues of appeal or arbitration have been pursued. Prior to initiating the formal grievance process, faculty members are encouraged to attempt to resolve the matter informally. These informal measures may include bringing the complaint or dispute to the individual(s) with whom there is a grievance in an attempt to resolve the problem through informal discussion, consulting with unit administrators, and/or seeking resolution through the Provost. If the grievance remains unresolved, the faculty member may begin the grievance process by submitting a written statement of the issue(s) to the Chair of the Faculty Welfare Committee. The outcome of the grievance process is limited to recommending remedial action to the Chancellor.

#### **DEFINITIONS**

A GRIEVANCE is a complaint by a faculty member that his or her professional activities have been adversely affected. USC Upstate faculty members have the right to grieve decisions affecting their employment through the failure to follow appropriate written and approved policy and procedures. Such circumstances may include, but are not limited, to

- unlawful discrimination
- violations of USC Upstate's discrimination and harassment policies
- violations of USC Upstate's Civility Policy
- inadequate or improper documentation
- use of impermissible criteria
- denial of academic freedom.

The grievance procedure may not be used for:

1. A complaint, the resolution or remedy of which would conflict with a policy approved by

the Board of Trustees of the University, federal, state, or local law or regulation, or any contract to which the University is party.

2. A complaint pertaining to an issue within the purview of any other standing committee or policy of the University or School (for example, Promotion and Tenure decisions), unless the complaint arises from a committee's alleged failure to act or to follow the policies or procedures of the University.

A FACULTY MEMBER means any person currently holding a full-time or part-time appointment to the faculty of the University.

A GRIEVANT is a faculty member who brings a grievance as outlined in these procedures.

A RESPONDENT is the person(s) alleged to have violated a policy or procedure.

## **PROCEDURES**

When informal means fail to resolve a dispute, a formal grievance procedure may be initiated. Grievances must be initiated in writing to the Chair of the Faculty Welfare Committee. The written statement should be signed and dated and is to include (i) a factual description of the complaint or dispute resulting in the grievance; (ii) the name of the person(s) against whom the grievance is initiated; (iii) a brief description of all informal attempts at resolution (or, if appropriate, an explanation of why informal attempts at resolution were not pursued); (iv) the relief requested by the grievant; and (v) any other information that the grievant believes to be relevant or helpful. The grievant should attach to the written complaint any relevant documentation bearing on the subject matter of the complaint.

Faculty members who think that their academic freedom has been infringed may make a written request to the Faculty Welfare Committee or to the Chancellor that an investigation be made. The request should set forth in a clear and concise manner the events and circumstances upon which the charge is based.

All matters pertaining to the grievance process are to remain confidential; however, the Chair of the Faculty Welfare Committee may consult with the Chair of the Faculty to determine whether matters of procedure have been followed. Upon receipt of the statement of grievance, the Chair of the Faculty Welfare Committee will notify the respondent of the grievance and assemble a grievance hearing panel within 15 days (all time periods are business days). In the event a statement of grievance is received on or after May 1, the Chair of the Faculty Welfare Committee will assemble a grievance hearing panel at the earliest date all parties are available, but no later than August 15.

The grievance hearing panel is selected from a grievance pool. The Chair of the Faculty Welfare Committee ensures that the pool is elected annually at the beginning of the fall term to serve for one calendar year. The membership of the grievance pool consists of one tenured faculty member from each academic unit. Members may not have faculty administrative or

supervisory responsibilities. Membership in the grievance pool does not preclude service on other standing University committees.

Upon receiving a request for a grievance hearing, the Chair of the Faculty Welfare Committee randomly draws the names of three grievance pool members. Members of the grievant's academic unit are excluded from participation, and selected pool members may excuse themselves from the panel. The grievant and the respondent each have the right to challenge one of the three grievance pool members. In the event of a challenge or self-disqualification, a replacement will be randomly drawn from the pool. The three selected members of the grievance pool serve as the hearing panel and elect their own chair.

The chair of the panel then gathers any additional information pertinent to the grievance. Requests for information must occur within 15 days of the election of the chair of the hearing panel. Requested materials must be received by the chair of the panel within 15 days of the request. Once these materials have been collected, the chair of the panel consults with the grievant and the respondent and sets a hearing date. The grievant may request a closed hearing. The chair of the panel then sends written notification that a grievance has been filed to all parties to the grievance, the grievance hearing panel, any party required for the proceedings, and the Chair of the Faculty Welfare Committee. Notification includes the date, time, and place of the grievance hearing, as well as all information pertinent to the grievance. The hearing date must be within 15 days of the notification.

The chair of the panel presides over the grievance hearing. The grievant and the respondent have the right to be present throughout the hearing; however, the grievant and/or respondent may waive, in writing, the right to be present at the hearing. Both parties have the right to have an advisor or legal counsel present during the grievance hearing. Both parties have the right to cross-examine witnesses.

Upon conclusion of the hearing, the panel deliberates and produces a recommendation to the Chancellor. The chair of the panel provides the recommendation and its rationale, in a written notification, to the hearing panel, all parties to the grievance, the Chair of the Faculty Welfare Committee, and the Chancellor.

Within 15 days, the Chancellor provides a written decision and written justification to the hearing panel, all parties to the grievance, and the Chair of the Faculty Welfare Committee.