

# FACULTY GRIEVANCE PROCEDURES

## Purpose and Definitions

### Purpose

The purpose of the faculty grievance procedures is to ensure that justice is meted out. While the process follows the guidelines below, these proceedings should not be viewed as being designed for the strictness and formality of a court of law.

### Definition of a Faculty Member

Faculty members covered in this statement of grievance procedures include faculty, librarians, academic administrators.

### Grievance Procedure

Upon receiving a request for a grievance hearing, the Chair of the Faculty Welfare Committee draws the names of five eligible members from the grievance pool from which to form a hearing panel of three members. No one from the grievant's voting unit may be included among the names from which the five eligible members are drawn.

Members of the hearing panel may disqualify themselves. At the time the hearing panel is formed, the grievant and the respondent each have the right to challenge, without explanation, one member of the group of five. Three members are then selected at random from those remaining to form the panel. The hearing panel elects its own chair.

A grievant's petition to the hearing panel must set forth the factual basis for the contentions and the relief requested. The grievant requests from the chair of the hearing panel all information necessary to the case to which the grievant does not have access.

The chair of the hearing panel:

- X informs the grievant of the specific procedures governing the hearing;

- X sends written notification to all parties to the grievance that a grievance has been filed; the notification includes the date, time, and place of the grievance hearing. The hearing date is within ten days from the receipt of all pertinent information by the grievant, the respondent, and the hearing panel (see below);
- X requires any persons (including committees) employed by the University of South Carolina, whether direct parties to a particular grievance or not, to submit to the chair of the hearing panel all information pertinent to the grievance. All parties have fourteen days to submit the requested information;
- X forwards copies of all documents and pertinent information to the grievant, the respondent, and to the members of the hearing panel;
- X requests all persons (including committees) employed by the University of South Carolina, whether direct parties to a particular grievance or not, to give testimony during the hearing.

### **Grievable Matters**

Individual USCS faculty members have the right to grieve any administrative decision affecting their employment, including, but not limited to the following matters:

1. **Denial of tenure or promotion**, on the grounds of unlawful discrimination; violation or denial of procedural due process; inadequate or improper documentation; use of impermissible criteria, or improper evaluation of criteria; or denial of academic freedom.
2. **Salary and compensation**, on the grounds of unlawful discrimination; violation or denial of procedural due process; inadequate or improper documentation; use of impermissible criteria, or improper evaluation of criteria; or denial of academic freedom.
3. **Non-reappointment of tenure-track faculty**, on the grounds of violation or denial of procedural due process or denial of academic freedom.
4. **Any other matters**, on the grounds of unlawful discrimination; violation or denial of procedural due process or denial of academic freedom (e.g., work assignments and disciplinary actions are grievable, although the

faculty member should exhaust all other administrative procedures first).

A grievant may not ask the hearing panel to substitute its judgment for the qualitative professional judgments of any authorized university party or official who has already reached a decision on the matter in question. The panel has authority only to review the process leading to the action or decision in question. Its function is to determine if there is substance to the allegations of the grievant. The panel is limited to recommending appropriate action to the Chancellor.

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### **Procedure: Timetable**

The grievant formally requests oral and written explanation from the immediate supervisor. The supervisor has 15 days in which to respond.<sup>2</sup>

Within 30 days of receiving a response from the supervisor,<sup>3</sup> faculty members may file a grievance with the next administrative official (Dean, Vice Chancellor for Academic Affairs, Chancellor). In Tenure and Promotion grievances the official is expected to supply a written summary of evaluations and reason for the action. The official has 15 days to respond.<sup>4</sup>

Within 15 days of receiving a response from the Dean or Vice Chancellor, the grievant may request a review by the Chancellor. A response is due in 15 days.

Within 10 days of receiving a response from the Chancellor, the grievant may submit the case to the Chair of the Faculty Welfare Committee.

### **Conduct of the Hearing**

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1 Revised 10-27-93.

2 All days referred to in the procedure are calendar days. When the last day of the time period falls on a weekend or university holiday, the effective date is the next regular business day. The day following the actual day of notification is counted as the first day.

The grievance procedure may be lengthy, and the grievant is advised to maintain a file of dated correspondence sent and received and dates and notes of conferences held concerning the case.

3 All requests and responses are to be in writing.

4 Failure of any administrative official or reviewing authority to comply with the deadlines for action does not reverse or modify a tenure, promotion, or other decision, but does permit the grievant to proceed directly to petition the next level in the Grievance Procedure.

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Revision to Chapter 7 approved by Board of Trustees 6-2006

The grievance hearing adheres to the following regulations:

- X Proceedings of the hearing panel are open (except for the panel's deliberations), unless the grievant requests a closed hearing.
- X The chair of the hearing panel presides.
- X The grievance hearing does not operate with the strict procedures of a court of law, but all parties have the opportunity to present evidence and the right to representation by counsel.
- X Counsel may address the hearing panel.
- X Cross-examination is allowed.
- X The grievant and the respondent have the right to be present throughout the hearing; however, the grievance may proceed with the respondent's consent or with unanimous consent of the panel.
- X The proceedings of the grievance hearing are transcribed by a licensed transcriber. The transcript is filed with the Office of the Vice Chancellor for Academic Affairs.
- X The panel deliberates in private and decides the grievance. All members of the panel, including the chair, may vote.

The chair of the hearing panel notifies all parties to the grievance, in writing, of the hearing panel's final recommendations and the rationale for the recommendations. Copies of the recommendations and rationale are sent to the grievant, the Chancellor, and to the hearing panel members. After the hearing panel has reached a decision and communicated its decision to the grievant and the respondent and upon written request to the Vice Chancellor, copies of the transcript may be made available by the Office of the Vice Chancellor only to the grievant and the respondent.

The recommendations of the hearing panel are the final word of the USCS faculty.

### **Internal Channeling from the Committee**

Within 15 days, the Chancellor notifies in writing the grievant and the hearing panel of a decision. If the Chancellor's decision is to reject any relief recommended by

the hearing panel, the Chancellor states the reasons in writing to the faculty members and to the hearing panel.

If the grievant does not accept the Chancellor's decision, the grievant has 15 days to appeal the decision to the President who has 20 days to respond. Final appeals by the grievant to the Academic Affairs and Faculty Liaison Committee of the Board of Trustees must be filed within 15 days after receiving the President's decision. The Committee has 30 days to respond.

The Academic Affairs and Faculty Liaison Committee may recommend that the matter be remanded to any faculty of administrative level for reconsideration.

Note: Last approved by Board of Trustees 6-28-95. Revision (Librarians) passed by Faculty Senate 12-13-96.