
Chapter 8

Faculty Grievance Procedures

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.

The Grievance Process

Faculty who believe their rights have been violated request oral or written explanation from the respondent—the person or body who is alleged to have violated policy or procedure. The respondent has 15 days (all time periods in the current chapter are stated in calendar days) in which to respond in writing. If the faculty member is not satisfied with the response, he or she provides written notification of the request for a grievance hearing to the chair of the Faculty Welfare Committee, who assembles the grievance hearing panel within 15 days.

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

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serve for one calendar year. The membership of the 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 randomly 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 grievant petitions the hearing panel. The petition sets forth the factual basis for the contentions and the relief requested.

The chair of the panel then gathers all information pertinent to the grievance. Requests for information must occur within 15 days of the petition. Those requested to provide information must submit the requested materials to 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, and any party required for the proceedings. Notification includes the date, time, and place of the

grievance hearing, as well as all information pertinent to the grievance. The hearing date should 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. The grievant has the right to have an advisor or legal counsel present during the grievance hearing. The grievant has a right to cross-examine witnesses.

Upon conclusion of the hearing, the panel deliberates in private and produces a recommendation to the Chancellor. The chair of the panel provides the recommendation, its rationale, and any dissenting opinions 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.