

**UNIVERSITY OF SOUTH CAROLINA UPSTATE
FACULTY WELFARE COMMITTEE YEAR-END REPORT
2012-2013**

Committee Members

Shannon Polchow, Chair
Darlene Amendolair
Stefanie Keen
Rick Hartsell

Dwight Lambert
Camille McCutcheon
Calvin Odhiambo
Rosalind Paige

Astrid Rosario
Rachel Snow
Carol Tesh
Xinli Wang

Meetings Conducted

October 5, 2012
November 30, 2012
March 4, 2013
April 11, 2013

Actions / Activities / Accomplishments

The Faculty Welfare Committee spent much of Fall 2012 discussing faculty salaries after the faculty salaries report was distributed in early November. With the increase in some salaries creating controversy across campus, Faculty Welfare investigated the process behind the increases in our November meeting with the Senior Vice Chancellor. At that meeting, the committee also presented Dr. Harrington with several recurring concerns presented to the committee over the past two years. These included the faculty workload, course reductions, and perks for working at USC Upstate. With the formation of a new ad-hoc committee on faculty salaries in the spring, Faculty Welfare requested that a representative sit on that committee to monitor the process, and our request was granted.

In addition, the committee forwarded the report on faculty legal representation to David Ferris, Faculty Chair. Unfortunately, this was one issue that took 2011-2012 to complete due to more pressing issues brought before the committee. The question brought before Senate grew out of the recent security breach. The charge for Faculty Welfare was to investigate the kind and extent of legal representation available to faculty at other universities, but it was not clear to us to what extent legal advice and representation are available to faculty in the USC system. In investigating this issue, it becomes clear that the extent of legal advice and support available to faculty at state institutions is governed by state law and that the decision by a university to provide legal representation to faculty in any given situation is often determined on a case by case basis.

In our investigations, there seems to be no written-out policy on indemnification of employees for the USC system. The By-Laws of the Board of Trustees, BT RU 1.03 (Revised April 27, 2007, available at http://trustees.sc.edu/Board_ByLaws.pdf), includes Article XV on indemnification, but the extent to which this applies to employees of the university beyond officers of the Board is unclear. The University does carry liability insurance through the South Carolina Insurance Reserve Fund that covers employees “within the scope of their employment.” The State Budget and Control Board is authorized to provide liability insurance by SC ST SEC 1-11-140 and the South Carolina Tort Claims Act, SC ST SEC 15-78.

It would appear, then, that faculty can expect legal advice and representation for claims arising out of their daily activities related to teaching, service, research, and university-related business, though the extent to which the University will help in any individual case would probably be determined at the time the case comes up in accordance with the terms of the insurance policy. The University's Risk Manager, Brian Hann, may be able to give a better idea of the extent of coverage in certain situations. One issue that faculty might want to consider is to what extent the University's liability policy might cover claims brought against faculty arising from their publications, which has been inconsistently treated by institutions. The *Indemnification Outline* prepared by Rachel Levinson for the American Association of University Professors contains several case studies that give some idea of how different institutions make indemnification decisions.

The USC legal office does not provide legal advice to employees for personal legal matters. Whether situations related to the security breach would be considered personal matters is unclear; the University Counsel did not respond to this specific question. It would probably depend on whether the situation needing legal representation arose "within the scope of employment," and the literature suggests that such determinations are often made when the case arises, even when they may be governed by written guidelines.

After receiving numerous requests to file grievances in the fall semester, two issues are apparent: 1) USC Upstate needs to consider adopting a policy on workplace bullying; and 2) the grievance procedure as it appears in chapter eight of the *Faculty Manual* needs revision. After receiving a copy of Columbia's workplace bullying policy, the committee discussed if one was needed on our campus and how we could modify Columbia's policy to fit USC Upstate. Committee members are working on their recommendations and a draft will be forwarded to the 2013-2014 chair of Faculty Welfare for further discussion. After seeking guidance from Charley Harrington and David Ferris, changes to the grievance procedure were tabled until 2013-2014 because it is apparent that these revisions cannot be rushed.

Stefanie Keen was elected to be the Faculty Welfare Chairperson for the 2013-2014 academic year.