

Motion to Revise Faculty Manual
 Palmetto College Campuses Faculty Senate
 University of South Carolina

Brief Title of Proposed Change	Update to the Grievance Procedure in the Faculty Manual focusing on non-T&P grievances
Committee Proposing Revision	System Affairs
Date of Presentation to Senate	4-12-2024
Senate Approval Date	

Rationale for the proposed changes:

The proposed changes come from a request by the executive committee to review the current grievance procedure and to provide any updates as seen necessary by the committee to make it more robust. To this end the committee has reviewed the current wording of the procedures and has made a number of changes to help clarify wording, flow, and a general update of the language to make the process clearer.

Summary of Proposed changes:

Current faculty manual grievance procedure along with the proposed changes in red text demarcating areas of revision.

Original	Proposed Changes
Starting on page 67 <u>Grievance Committee</u> The Grievance Committee shall consider individual grievances brought before the committee by members of the faculty. The committee shall examine alleged grievances, and when, in the judgment of the committee, a grievance is determined to exist, it shall attempt to resolve the matter through mediation or other appropriate action. This committee shall be composed of five tenured faculty, one elected by each faculty organization of the Palmetto College Campuses. Individual USC faculty members have the right to grieve any administrative decisions affecting their employment.	Starting on page 67 <u>Grievance Committee</u> The Grievance Committee shall consider individual grievances brought before the committee by members of the faculty. The committee shall examine alleged grievances, and when, in the judgment of the committee, a grievance is determined to exist, it shall attempt to resolve the matter through mediation or other appropriate action. This committee shall be composed of five tenured faculty, one elected by each faculty organization of the Palmetto College Campuses. Individual USC faculty members have the right to grieve any administrative decisions affecting their employment.

Grievance procedures are detailed on page 67. An elected Grievance Committee will hear all tenure and promotion related grievances for candidates whose files were reviewed by the Palmetto College Tenure and Promotion committee elected at the same time. As such, members of the Grievance Committee may have work that extends beyond the usual one-year term.

Palmetto College Campuses Grievance Committee

Membership

The Grievance Committee shall consist of one representative from each campus, elected by each campus faculty organization. Members must be tenured and may be senators. Members cannot be persons who are serving on the local or Palmetto College Campuses Tenure and Promotion Committee. Committee members shall be elected before the Spring Faculty Senate meeting and will respond to grievances concerning reviews conducted during the year for which that committee was elected.

Purpose

The Grievance Committee is not a court of law; it is a committee elected by the faculty and approved by the Palmetto College Campuses Faculty Senate of the university of South Carolina. Therefore, rules of evidence and other rules of procedure which apply to court proceedings shall not apply to hearings conducted by the Grievance Committee. The purpose of the Grievance Committee is to recommend actions which are fair to all parties. Hearings will therefore be conducted in a manner that is fair to all parties.

Definition of Faculty

Faculty members, for purposes of this grievance procedure, shall include full-time teaching and research faculty, professional

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Definition of Faculty

Faculty members, for purposes of this grievance procedure, shall include full-time teaching and research faculty, professional

librarians, and academic administrators who hold faculty rank. Non-Reprisal Faculty members shall be free from restraint, interference, coercion, or reprisal in bringing a grievance, serving as a representative of a grievant, appearing as a witness, or in seeking information about the grievance policy. The grievant may be represented by an attorney, at the grievant's expense, at any stage in the grievance process.

Actions Subject to Appeal

Individual USC faculty members have the right to grieve any administrative decisions 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. And other matters (e.g., work assignments and disciplinary actions are grievable, although the faculty member should exhaust all other administrative procedures first) on the grounds of unlawful discrimination; violation or denial of procedural due process; or denial of academic freedom.

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Individual USC faculty members have the right to grieve any administrative decisions 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. **(See Procedure for Grievance Related to Denial of Tenure or Promotion page ##)**
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. **Along with** other matters (e.g., work assignments and disciplinary actions are grievable, although the faculty member should exhaust all other administrative procedures first **such as but not limited to the local campus grievance committee and any established Human Resource procedures**) on the grounds of unlawful discrimination; violation or denial of

A grievant may not ask the Grievance Committee 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 Grievance Committee 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 Committee is limited to recommending appropriate action to the chancellor of Palmetto College.

Procedure for General Grievance

Below, the procedures for grievance are outlined, divided into two categories. The second category, Grievance Related to Denial of Tenure and Promotion, is the formal procedure which may occur after the usual tenure and promotion process. The first category, General Grievance, applies to all other grievances.

All requests and responses in both grievance procedures are to be in writing. All days referred to in this procedure are calendar days, however, when the last day of such a period falls on a weekend or university holiday, the effective date shall be the next regular business day. The day following the actual day of notification shall be the first day in the series. Since dates are critical to these procedures, requests and responses should be sent by registered/certified mail.

procedural due process; or denial of academic freedom.

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Procedure for Grievance

Below, the procedures for grievance are outlined, divided into two categories. **The first category, General Grievance, applies to all grievances not related to the Denial of Tenure and Promotion.** The second category, Grievance Related to Denial of Tenure and Promotion, is the formal procedure which may occur after the usual tenure and promotion process.

All requests and responses in both grievance procedures are to be in writing (**i.e., written letter, email communication, or other form of written and dated communication**). All days referred to in this procedure are calendar days, however, when the last day of such a period falls on a weekend or university holiday, the effective date shall be the next regular business day. The day following the actual day of notification shall be the first day in the series. Since dates are critical to these procedures, requests and responses should be sent **in a format that can be verified when received, viewed, and dated (e.g., by registered/certified**

The grievance procedure may be lengthy, and the grievant who initiates a grievance procedure is advised to maintain a file of dated correspondence sent and received as well as dates and notes of conferences held concerning the case. Failure of any administrative official or reviewing authority to comply with the deadlines for action specified herein shall not operate to reverse or modify a tenure and promotion decision, but shall permit the grievant to proceed directly to petition the Palmetto College Campuses Grievance Committee or the next higher level in the Grievance Procedure.

1. Grievant formally requests oral and written explanation from immediate supervisor. The supervisor has 15 days in which to respond.

2. Within 30 days of receiving response from supervisor, the faculty member may file a grievance with the next administrative official (Dean of Academic Affairs, Dean of Campus or Palmetto College Chancellor). The official has 15 days to respond. If this official is the Dean of Campus, step 3 below is skipped. If this official is the chancellor, steps 3 and 4 below are skipped.

mail, email communication with read/received options checked, or other appropriate written communication).

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General Procedure for Grievance Related to Salary and Compensation, Non-Reappointment, and All Other Matters not related to Tenure and Promotion

1. Grievant formally requests oral and written explanation from immediate supervisor. The supervisor has 15 days in which to respond. **A formal request is any written communication using the indicators *formal request or grievance*.**

2. Within 30 days of receiving a response from their supervisor, the faculty member may file a grievance with the next ranking administrative official (Dean of Academic Affairs, Dean of Campus or Palmetto College Chancellor). The official has 15 days to respond. **If this official is the Dean of Academic Affairs, proceed to step 3. If this official is the Dean of Campus, proceed to step 4. If this official is the chancellor, proceed to step 5.**

<p>3. Within 15 days of receiving response from the Dean of Academic Affairs, the grievant may request a review by the Dean of Campus. A response is due in 15 days.</p> <p>4. Within 15 days of receiving response from the Dean of Campus, the grievant may request a review by the chancellor of Palmetto College. A response is due in 15 days.</p> <p>5. Within 10 days of receiving response from the Palmetto College Chancellor, the grievant may submit the case to the Palmetto College Campuses Grievance Committee.</p> <p>6. The Palmetto College Campuses Grievance Committee will make its recommendation to the chancellor of Palmetto College within a 30-day period. A response from the chancellor to the grievant relative to the Palmetto College Campuses Grievance Committee's recommendation is due within 15 days of receiving this recommendation.</p> <p>7. Within 15 days of receiving response from the chancellor of Palmetto College, the grievant may request a final review by the president. The president has 20 days to respond.</p>	<p>3. Within 15 days of receiving a response from the Dean of Academic Affairs, the grievant may request a review by the Dean of Campus. A response is due in 15 days.</p> <p>4. Within 15 days of receiving a response from the Dean of Campus, the grievant may request a review by the Chancellor of Palmetto College. A response is due in 15 days.</p> <p>5. Within 10 days of receiving a response from the Chancellor of Palmetto College, the grievant may submit their case to the Palmetto College Campuses Grievance Committee.</p> <p>6. The Palmetto College Campuses Grievance Committee will make its recommendation to the Chancellor of Palmetto College within a 30-day period. A response from the chancellor to the grievant relative to the Palmetto College Campuses Grievance Committee's recommendation is due within 15 days of receiving this recommendation.</p> <p>7. Within 15 days of receiving response from the Chancellor of Palmetto College, the grievant may request a final review by the president. The president has 20 days to respond. The decision by the president is final within the university.</p>
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