

Faculty Grievance Committee

Annual Report for 2023-24

| Representatives | Terms (Years) |
|---|---------------|
| College of Business | |
| McKinney, Arlise | 1 |
| College of Education and Social Sciences | |
| Winters, Lisa (Boylstein, Craig '23 Fall) | 3 |
| College of Health and Human Performance | |
| Vacant | 2 |
| College of Humanities and Fine Arts | |
| Rauhut, Nils | 1 |
| College of Science | |
| Bunton, Brian | 3 |
| HTC Honors College | |
| Seethaler, Ina | 1 |
| University Libraries | |
| Baker, Ariana* | 2 |

Membership: Six to seven tenured faculty (one elected from tenured faculty of each college and the Library, and one tenured representative from the Faculty Welfare Committee who is elected for a one-year term).

Purpose: the duties of this committee are to conduct reviews of grievances brought to the President following the third step of the Faculty Grievance Procedure (see 5.3 Faculty Grievance Procedure). A faculty member serving on this committee cannot be directly or indirectly involved in the case to be

heard. In case of such a conflict of interest, the chair of the Faculty Senate appoints a temporary replacement to maintain the college's representation. Also, in cases of a member's inability to serve, such as approved absence from the University, the chair of the Faculty Senate appoints a temporary replacement to maintain the college's representation. This committee conducts its proceedings in accordance with the guidelines defined in STEP 3 of the Faculty Grievance Procedure.

Service on this committee may entail significant time commitments such as summer meetings or meetings scheduled with short notice.

2023-24 Meeting Dates:

- September 13, 2023
- October 11, 2023
- November 8, 2023
- December 6, 2023
- January 10, 2024
- March 13, 2024
- April 10, 2024
- May 8, 2024

All meetings were held virtually on Wednesdays from 2:00 – 3:00 pm.

This year's committee met eight times to rewrite the existing grievance process and procedures. The committee finished the document in May and sent it to members of the Faculty Welfare Committee, University Counsel Amanda Bailey, and Interim Provost Sara Hottinger. On June 24, committee chair Ariana Baker met with Amanda Bailey and Sara Hottinger to hear their feedback. Based on their comments, the decision was made to wait until fall semester to submit the proposal to Faculty Senate. This will provide more time for members of the Faculty Welfare Committee to comment and for the Faculty Grievance Committee to integrate all feedback into the document.

Proposed Updates to the Faculty Grievance Process and Procedures:

5.3 Faculty Grievance Process

It is the intent of the University to extend the right to a fair review of any appropriate request or serious complaint arising in the course of employment. A formal grievance may be filed by any employee holding academic rank or title (see [6.3.1 Faculty](#) and [6.3.2.1 Temporary Appointments with Academic Titles](#)), as defined by the S.C. Code of Laws. In all cases the burden of proof rests on the faculty member who has filed a grievance. All matters involving grievances are held to the maximum level of confidentiality permitted by law, except as noted below.

The time limits indicated must be strictly followed. When a timeline spans University holidays, as specified in the University Holiday Schedule, the timeline will be paused for the duration of the holiday. When a due date falls on a weekend or a University holiday, or when the University is closed due to an emergency, the first business day after that date will serve as the due date. Failure of the administration to comply with given time limits entitles the grievant to carry the appeal to the next step in the process. Failure of the grievant to comply with the time limits will result in forfeiture of the right to continue the grievance. Grievances will be considered filed according to the recorded

date of receipt. The appropriate parties are responsible for obtaining a signed and dated proof of receipt for all official communications at each step of the process.

5.3.1 Faculty Grievance Procedures

1. It is recommended that before filing a grievance, the faculty member tries to resolve the issue with their supervisors. It is also recommended that the faculty member consults with the University Ombuds before filing a grievance. Grievances may be filed with the department or college instead of the Faculty Grievance Committee, at the faculty member's discretion.
2. Grievances can be concerned with, but are not limited to, the following issues that affect the petitioner:
 - a. Inequity in compensation, promotion, and work assignment;
 - b. Violation of academic freedom;
 - c. Failure, on the part of a person or persons in appropriate positions of authority or responsibility, to properly implement departmental, college, or university policies or procedures (e.g., assignment of duties; denial of access to departmental, college, or University resources; failure to adhere to promotion and tenure policies or procedures);
 - d. Appeals of the Provost's decisions in matters concerning violations of the Code of Faculty Conduct and Academic Responsibility, as described in [section 5.1.4.2](#) of the *Faculty Manual*; and
 - e. Termination due to financial crisis, as described in [section 5.2.9](#) of the *Faculty Manual*.
3. All complaints pertaining to discrimination based on race, color, religion, sex, sexual orientation, gender identity, citizenship status, national origin, or because they are an individual with a disability or disabled veteran, Armed Forces service medal veteran, recently separated veteran, or active-duty wartime or campaign badge veteran, or other "protected veterans," as defined by law, are to be referred to the EEO Officer (University Policy [UNIV-444 Equal Employment Opportunity](#)).
4. Grievances may not be filed for dismissal for cause, either for tenured or other permanent employees, or before an employment contract term ends.
5. All communication between the Faculty Grievance Committee and other entities on campus will be in writing.
6. Grievances may be filed by contacting a member of the Faculty Grievance Committee in writing. Included in the grievance must be each of the following:
 - a. The specific basis or bases on which the grievance is filed with supporting evidence (e.g., practices or patterns of policy violation, etc.);
 - b. The name(s) of the specific individual(s) against whom the grievance is filed;
 - c. The date(s) the alleged grievable matter occurred;
 - d. A list of the supporting documents appended to the grievance; and
 - e. The specific relief sought by the grievant.
7. The Faculty Grievance Committee will acknowledge receipt of the grievance and notify the Office of the Provost that a grievance has been filed within seven days. The committee will meet no more than 30 days after receiving the grievance. During this meeting, a majority of all eligible members of the Faculty Grievance Committee will decide whether the presented evidence is sufficient to conduct a hearing.

8. The Faculty Grievance Committee will notify the grievant and the Office of the Provost of the committee's decision to accept or reject the petition no more than ten days after the committee has discussed the case.
9. In case a hearing is scheduled, the Faculty Grievance Committee will notify all parties of:
 - a. The time, place, and nature of the hearing;
 - b. A statement of the basis or bases on which the grievance is to be heard;
 - c. The Hearing Procedures (see below); and
 - d. References to pertinent statutes and portions of the department, college, and university governing documents.
10. At any time during this process, the grievant has the right to legal representation or any other counsel. [University Counsel](#) must be notified in writing at the time that the formal grievance or appeal is filed if an attorney will be present at any formal proceedings.
11. After the hearing has taken place, the Faculty Grievance Committee will present written findings with recommendations for the grievance to the President and the grievant within 14 days.
12. The President will inform the grievant, and the Faculty Grievance Committee if appropriate, of their decision and the factors considered in response to the committee's recommendation within 14 days.
13. Each person involved in the grievance procedures shall be free from any or all improper restraint, interference, coercion, or reprisal.
14. Appeal to the Board of Trustees of Coastal Carolina University: Final authority for adjudication of grievances rests with the Board of Trustees of Coastal Carolina University. If the grievant wishes to appeal the President's decision, a written appeal must be sent to the Chair of the Academic Affairs and Student Experience Committee of the Board of Trustees within seven days of receipt of the President's decision letter. In cases where the Presidential decision phase has been foregone, the grievant must file the written appeal within seven days of receipt of the letter from the Chair of the Grievance Committee. In the event that the Chair of the Academic Affairs and Student Experience Committee of the Board of Trustees cannot be reached, the appeal may be registered with the Chair of the Faculty Senate or with the Provost's Office. The Academic Affairs and Student Experience Committee will review the record and may, at its discretion, conduct a new hearing. The Academic Affairs and Student Experience Committee will have 28 days in which to complete its review and communicate its decision to the President and the grievant. The number of days may be extended by mutual consent of the grievant and the Chair of the Academic Affairs and Student Experience Committee. The decision of the Academic Affairs and Student Experience Committee of the Board of Trustees is final and binding within the University.

5.3.2 Grievance Hearing Procedures

The procedures below delimit the nature and scope of the inquiry as an official University process. The committee hearing is not a formal court of law; therefore, the rules of evidence and rights to make motions will be those and only those stipulated below. The committee will not be bound by the strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable and comprehensive evidence available.

1. The chair of the Faculty Grievance Committee will serve as Chair of the hearing.
2. The faculty member will be permitted to have an advisor, counsel, or both of their choice present during the proceedings, subject to proper notification as specified in Section 5.3.1.
3. No less than ten days prior to the hearing, each party will deliver a written list of witnesses and evidence to the other. The faculty member will be afforded the opportunity to obtain necessary witnesses, cross examine witnesses, and present relevant documentation or other evidence. University administrators and other parties will cooperate with the committee in securing witnesses and making documentation and other evidence available in a timely manner.
4. The faculty member, any advisor or counsel, and university administrators will have the right to question all witnesses. Such questioning will be limited to relevant issues. The Chair of the committee controls the manner and duration of questioning and testimony.
5. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of a statement, the committee will identify the witnesses, disclose sworn statements, and, if possible, provide for interrogatories under oath.
6. Members of the committee have the right to ask questions throughout the hearing, with the permission of the Chair. Opening and closing statements will proceed without interruption.
7. The committee may grant continuances to enable either party to investigate evidence as to which a valid claim of surprise is made. A claim of surprise is the only motion that must be considered by the committee Chair.
8. The committee Chair reserves the right to call a recess to review additional information and take appropriate breaks.
9. All hearing information will be exempt under the provisions of the Freedom of Information Act unless deemed otherwise by law.
10. The findings of fact and the decision of the committee will be based solely on the hearing record. A verbatim audio recording of the hearing or hearings will be taken by electronic means. Upon completion of the hearing, a copy will be delivered to the faculty member without cost within 15 days.
11. The hearing agenda will be as follows. The Chair of the committee may extend time if necessary as long as equal time is given to each party.
 - a. Opening Statement by the Chair of the Committee (up to 5 minutes)
 - b. Opening Statement by the Plaintiff's Representative (up to 10 minutes)
 - c. Opening statement by the Defendant or Counsel (up to 10 minutes)
 - d. Presentation of the case by the Plaintiff's Representative
 - e. Presentation of the case by the Defendant or Counsel
 - f. Closing Statement by the Plaintiff's Representative (up to 10 minutes)
 - g. Closing by the Defendant or Counsel (up to 10 minutes)
 - h. Closing Statement by the Chair of the Committee outlining next steps and timeline