

Policy Number/Title: 2.2.23 Grievances and Appeals-Faculty
Effective Since: 01/01/2024
Last Revision Approved: 01/01/2024
Responsible Office: Academic Affairs

1. Scope:

The procedures prescribed below are to be used by unclassified personnel who are for purposes of this policy shall be teaching and research faculty, professional librarians, academic administrators, and all other persons holding faculty appointments.

2. Definitions:

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3. Policy:

It is the policy of Winthrop University that all employees shall be treated consistently in all matters related to their employment. Any permanent faculty member who feels that he/she has not been so treated shall have the right to present an appeal free from interference, restraint, coercion, or reprisal. No employee shall be disciplined or otherwise prejudiced in his/her employment with the University for exercising his/her rights under this policy.

The faculty member shall be entitled to such time off from his/her regular duties as may be necessary and reasonable for the presentation and processing of the grievance or appeal. However, the faculty member shall not be entitled to such time off to prepare for the presentations or to confer with advisors other than administrative officers of the University.

Grievable Actions

Grievable actions are discrimination in compensation, promotion, and work assignment. For purposes of this grievance procedure, discrimination means, as stated in Section 8-17-320(6)(1986): differential treatment based upon race, religion, sex, national origin, color, age, and handicap (disability) as found in the Equal Protection Clause of the 14th Amendment of the United States Constitution, Title VII of the 1964 Civil Rights Act, Age Discrimination in Employment Act of 1967, Vocational Rehabilitation Act of 1973, and the South Carolina Human Affairs Law. According to the Board of Trustees Resolution (11/15/1996), in matters of faculty promotion, while the Winthrop Board of Trustees may choose to receive an appeal on the basis of improper procedure only, the Board affirms that substantive judgments reside and end with the President of the University. In the event



there is some question as to whether or not an action is grievable under this policy, the Chief Academic Officer (CAO) shall make the determination subject to review by the President.

Grievance Committee

The Committee on Academic Freedom, Tenure, and Promotion (AFTP) shall serve as the grievance committee to hear cases appealed by members of the faculty.

General. The chair of AFTP shall serve as the presiding officer at all meetings unless he/she designates another committee member to act in his/her absence. The presiding officer shall have control of the hearing. He/she shall take whatever action is necessary to insure an equitable, orderly, and expeditious hearing. Parties shall abide by his/her decisions, except when a committee member objects to a decision to accept evidence, in which case the majority vote of the committee shall govern.

The committee shall have the authority to call for files, records, and papers pertinent to any investigation, to determine the order of the testimony and the appearance of witnesses, to call additional witnesses, and to make such other rules as may be necessary to insure orderly hearings.

Whenever a grievance comes before the committee initiated by or involving a faculty member of a department in which a committee member is located, such member shall be disqualified from participating in the hearing.

4. Procedures:

Procedure

Step 1:

Whenever possible, a potential grievance should be resolved during informal discussions by the faculty member and the chair and dean where applicable. A faculty member who has a grievable action which has not been resolved during this process may file a formal grievance by submitting to the CAO a letter stating the nature of the grievance and the relief sought. The faculty member must also provide a copy of his/her letter to the dean of the appropriate unit and to the Vice President for Human Resources. The grievance must be filed within twenty-one calendar days* from the date of the action on which the grievance is based or the date the faculty member was informed of the action, whichever is later.

*"Calendar days" means sequential days of a year. The time shall be computed by excluding the first day and including the last. If the last day falls on a Saturday, Sunday, or an official University holiday, it shall be excluded.



The CAO must schedule a conference with the faculty member to be held within ten working days of the date of filing. During the conference, the faculty member will have the opportunity to present evidence, witnesses, and other information that may be pertinent to his/her case. After the conference, the CAO may confer with other employees of the University insofar as he/she may consider necessary in order to establish the facts of the case and to review applicable policies and rules. Within ten working days following the conference, the CAO will give his/her written decision to the faculty member with a copy to the dean and to the Vice President for Human Resources.

Step 2:

If the faculty member is not satisfied with the decision reached in Step 1, he/she may, within ten working days after receipt of the Step 1 decision, notify in writing the CAO of his/her desire to appeal this decision to the Committee on Academic Freedom, Tenure and Promotion (AFTP). In his/her letter, the faculty member must state the circumstances or conditions which led to the grievance, the nature of the grievance, and the relief sought.

The CAO will contact the Chair of AFTP who will schedule a hearing to be held within ten working days after receipt of appeal.

The Chair of AFTP will notify all parties as to the time and place the hearing is to be held and will provide such other support to the committee as may be necessary and appropriate.

Each side will have the right to be accompanied or represented by counsel or other representative or to be self-represented. During the hearing, each side will have the opportunity to present evidence, witnesses, and other information that may be pertinent to its case. Each side will have the right to cross-examine witnesses presented by the other side.

Within ten working days following the hearing, the chair of the committee will present to the President, with a copy to the CAO, a written summary of the facts of the case and the committee's findings and recommendations. Within ten working days after receipt of the committee's findings and recommendations, the President will make the final decision for the University and will provide a copy of his/her written decision to the faculty member, the CAO, the Dean, the Chair of the department, the Chair of AFTP, and the Vice President for Human Resources.

A faculty member shall have the right of appeal in matters of promotion only on the basis of improper procedure to the Board of Trustees within ten working days of receipt of the decision. The entire record shall be available to the pertinent employee for copying.



Time Limit

All parties must take the appropriate action within the time allotted in each instance. However, it should be noted that the time allotted in each instance is a maximum and all parties are encouraged to take the appropriate action before the end of this period whenever feasible.

All exceptions to the scheduling requirements established in Section VI must be by mutual agreement. Any request for an exception must be made in writing to the CAO who will prepare a written agreement for the signature of both parties.

In the case of a faculty member's decision to appeal to the Board of Trustees, this time schedule may not be feasible in all instances.

5. Resources:

This section was intentionally left blank.

6. History of Revisions:

01/01/2024	Minor Revisions
04/19/2021	Minor Revisions
06/01/2020	Policy first established