

APPENDIX F-2

REGULATIONS ON FACULTY GRIEVANCE

POLICY AND PROCEDURE

GRIEVANCE COMMITTEE

1. COMPOSITION

The Grievance Committee shall be elected by the Faculty Senate. It shall consist of seven faculty members, with members elected from each of the following full time professorial ranks: assistant professor, associate professor, and full professor. No officer of administration shall serve on the committee. For these purposes "officer of administration" shall be deemed to include department heads, and division heads.

Members of the Nominating Committee of the Faculty Senate recommend persons, as previously recommended through the faculty body for election to the Grievance Committee. All University faculty may recommend candidates or indicate their interest in serving on the Grievance Committee.

The Committee Chairperson shall be elected annually by the Committee members at the initial meeting of the committee during the Fall Semester. The Grievance Committee shall elect from its membership a Chairperson, a Vice Chairperson and a Secretary. No person may serve as Chairperson for more than four years in succession.

2. TERMS OF OFFICE

Committee members shall be elected to serve two-year terms and may serve not more than two consecutive terms.

Commencing 1977 the terms of office shall begin on the opening date of the Fall Semester and shall end on the ending date of the Summer Session of each academic year.

3. ELECTIONS

The Faculty Senate, through recommendations of the Faculty Body, shall elect the Grievance Committee members, by ballot, four committee members to serve two-year terms. The remaining three committee members shall be elected to serve one-year terms of office. Successors shall be elected upon the expiration of these terms and every two years thereafter.

If a committee member becomes an "officer of administration" during a term of office, he/she may serve out that term of office.

4. CONFLICTS OF INTEREST, INCAPACITY OR TEMPORARY VACANCY

A committee member who holds an appointment in the department of a person directly involved in a grievance, who is named as a witness in the petition for redress, who will testify as a witness at the hearing is disqualified and shall not participate as a committee member in the proceedings described in Sections 6 and 7.

The committee chairperson shall not serve when any matter in which he/she has a conflict of interest is being considered; the committee vice chairperson shall serve in place of the committee chairperson in these circumstances. The vice chairperson shall serve as chairperson if the chairperson is incapacitated or absent.

If the committee should have less than four qualified members because of conflicts of interest, incapacity or temporary vacancy, elections shall be held promptly in accordance with Sections 1 and 3 above, to fully staff the committee. (If the need arises during the summer terms, the ruling body of the faculty may appoint alternates to fill vacancies on the committee). If a permanent vacancy occurs, elections shall also be held promptly in accordance with Sections 1 and 3 to fill vacancies for the unexpired term.

5. SCOPE AND POWERS

The committee shall be authorized to hear and advise with respect to the adjustment of grievances of members of the faculty. The power of the committee shall be solely to hear representations by the persons directly involved in a grievance and to advise adjustment by the administration when appropriate. Advice for adjustment in favor of an aggrieved faculty member may be given to the Chancellor only after the department chairperson, dean, or other administrative official most directly empowered to adjust it has been given similar advice and has not acted upon it within a reasonable time.

"Grievances" within the province of the committee's power shall include matters directly related to a faculty member's employment status and institutional relationships within the institution. However, no grievance that grows out of or involves matters related to a formal proceeding for non-reappointment, suspension, discharge, or termination of a faculty member, or is within the jurisdiction of another standing committee of the faculty may be considered by the committee.

6. REQUEST FOR REDRESS

If any faculty member feels that he/she has a grievance, he/she may petition the Grievance Committee for redress. The petition shall be written and shall set forth in detail the nature of the grievance and against whom it is directed. It shall contain any information that the petitioner considers pertinent to his/her case. The committee shall decide whether the facts merit a detailed investigation so that submission of a petition shall not result automatically in an investigation or detailed consideration of the petition.

If the decision is made to consider the petition further, the committee or a panel thereof shall attempt to mediate the matter. If the mediation is unsuccessful, a formal hearing shall be held;

the person directly involved in the grievance shall be given written notice at least ten days before the hearing. If the decision is made not to consider the petition, the faculty member seeking redress shall be notified in writing of this decision within ten days after the petition is received.

7. THE HEARING

The hearing shall be conducted informally and in private with only the members of the Grievance Committee. The person directly involved in the grievance may be accompanied by a person of his/her choosing. A quorum for the hearing is a simple majority of the total committee membership. If the faculty member requests it, the chairperson shall give him/her a written summary of the hearing. The committee may consider only such evidence as is presented at the hearing and need consider only the evidence offered that it considers fair and reliable. All witnesses may be questioned by the committee members and by the person directly involved in the grievance. Except as herein provided, the conduct of the hearing is under the control of the committee chairperson. At the end of the hearing, the Grievance Committee shall consider the matter in executive session. The burden is on the aggrieved faculty member to satisfy the committee that his/her contention is true. If the contention is not confirmed, the persons directly involved in the grievance shall be notified of this decision in writing within ten days. If the contention is confirmed, the committee shall act with the authority granted it in Section 5 to seek adjustment of the grievance. Furthermore, the committee shall keep the aggrieved faculty member apprised of the status of the mediation and shall give him/her and other concerned parties prompt written notice of any decision related to the case.

8. REPORT OF RECOMMENDATIONS

The Faculty Grievance Committee shall report its recommendations to the department chairperson or other administrative official most directly empowered to adjust it with a copy to the faculty member bringing the grievance. If the chairperson (or other administrative official most directly empowered to adjust it) does not act upon the grievance within a reasonable time and in a way considered appropriate by the Faculty Grievance Committee, the committee may notify the Chancellor of the recommendation it has made to the chairperson (or other administrative official most directly empowered to adjust it) with a copy to the faculty member and the chairperson of the faculty. Within thirty days, the Chancellor shall notify in writing the faculty member and his/her chairperson of the administrative action on the committee's recommendations. If the administrative action differs from the committee's recommendation, the Chancellor shall notify the faculty member, other appropriate administrative officials, and the chairperson of the faculty of the reasons for his/her decision. All communication concerning the committee's recommendations shall be in writing, shall be treated with the utmost discretion, and shall be held in confidence by all parties involved.

9. FURTHER APPEAL

If the Chancellor declines to accept the committee recommendation that is favorable to the faculty member, the faculty member may appeal the Chancellor's decision in the manner prescribed by Section 607 of **The Code** of the Board of Governors of The University of North Carolina.

**SECTION 607. THE UNC CODE FOR FACULTY GRIEVANCE COMMITTEE FOR
CONSTITUENT INSTITUTIONS.**

- (1) The chancellor of each constituent institution shall provide for the establishment of a faculty grievance committee. The faculty grievance committee shall be elected by the faculty with members elected from each professorial rank. No officer of administration shall serve on the committee. For purposes of this section, "officer of administration" shall be deemed to include department chairs and department heads.
- (2) The committee shall be authorized to hear and advise with respect to the adjustment of grievances of members of the faculty. The power of the committee shall be solely to hear representations by the persons directly involved in a grievance, to facilitate voluntary adjustment by the parties, and to advise adjustment by the administration when appropriate. Advice for adjustment in favor of an aggrieved faculty member may be given to the chancellor only after the dean, department head, or other administrative official most directly empowered to adjust it has been given similar advice and has not acted upon it within a reasonable time.
- (3) "Grievances" within the province of the committee's power shall include matters directly related to a faculty member's employment status and institutional relationships within the constituent institution. However, no grievance that grows out of or involves matters related to a formal proceeding for the suspension, discharge or termination of a faculty member, or that is within the jurisdiction of another standing faculty committee, may be considered by the committee.
- (4) If any faculty member has a grievance, the faculty member may petition the faculty grievance committee for redress. The petition shall be written and shall set forth in detail the nature of the grievance and against whom the grievance is directed. It shall contain any information that the petitioner considers pertinent to the case. The committee shall decide whether the facts merit a detailed investigation so that submission of a petition shall not result automatically in an investigation or detailed consideration of the petition.
- (5) If, before this section is established, the faculty of an institution has adopted a faculty grievance procedure that in its judgment is adequate to its needs, it may retain that procedure in place of the one specified above.
- (6) If neither the relevant administrative official nor the chancellor makes an adjustment that is advised by the faculty grievance committee in favor of the aggrieved faculty member, then the faculty member may appeal to the board of trustees of the constituent institution. The decision of the board of trustees is final.

In each instance used, the term "days" shall mean consecutive calendar days.