



NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

FACULTY HANDBOOK

APPENDIX F-2

SEC. II—FACULTY—Dispute Resolution 1.0

FACULTY GRIEVANCE COMMITTEE

ADMINISTRATIVE POLICY

I. COMPOSITION

See Section 5.1.6 of the Faculty Handbook (“Faculty Grievance Committee”), for details about the selection and composition of the committee, <https://www.ncat.edu/legal/policies/sec2-acad-affairs/faculty-handbook/aa-fhb-chapter-5-2018.pdf>. 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.

II. TERMS OF OFFICE

Members of the Faculty Grievance Committee shall serve two-year terms and may serve not more than two consecutive terms. The terms of office shall begin upon appointment and shall end upon appointment of new members the following year.

III. SELECTION AND ELECTION

Members of the Nominating Committee of the Faculty Senate recommend Faculty Grievance Committee members, after receiving recommendations from the faculty body for membership on

the Faculty Grievance Committee. All University faculty may recommend candidates or indicate their own interest in serving on the Faculty Grievance Committee.

The Chairperson of the Faculty Grievance Committee shall be elected annually by the committee members at the initial meeting of the committee. The Faculty 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.

IV. 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, or whose relationship with a party is that of a family member of the degree of second cousin or closer, resides in the same household, or has a close personal relationship is disqualified and shall not participate as a committee member in the affected faculty grievance. Either party may raise concerns about a committee member having a conflict.

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 fewer than four qualified members because of conflicts of interest, incapacity or temporary vacancy, elections shall be held promptly in accordance with Sections I and III above, to fully staff the committee. If a permanent vacancy occurs, elections shall also be held promptly in accordance with Sections I and III to fill vacancies for the unexpired term. (If the need arises during the summer terms, the Executive Committee of the Faculty Senate may appoint alternates to fill vacancies on the committee).

V. 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 grievant and administrators 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, including matters related to post-tenure review (prior to discharge, which discharge may be appealed pursuant to the Regulations on Academic Freedom, Tenure and Due Process). 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 Faculty

Grievance Committee. When a decision not to promote is not made as a part of a reappointment decision, the denial of promotion may be heard by the Faculty Grievance Committee.

A faculty member whose employment is terminated during the pendency of a grievance proceeding is not entitled to continue to pursue the grievance. If the employment of a faculty member is terminated after the grievance is filed, the Chancellor may, however, in the Chancellor's discretion, determine that it is in the best interest of the University to continue the grievance process.

VI. PURPOSE

The grievance process is not intended to second-guess the professional judgment of officers and colleagues responsible for making administrative decisions; rather it is to determine whether the contested decision was materially flawed, or in violation of applicable policies, standards or procedures.

VII. REQUEST FOR REDRESS

If any faculty member feels that he or she has a grievance, he or she 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 it is directed. It shall contain any information that the petitioner considers pertinent to his or her case. The faculty member shall deliver a copy of the petition to the respondent administrator or other party by certified mail or by another means that provides proof of delivery.

The Faculty Grievance Committee must decide whether a hearing should be held in response to the petition. The submission of a petition shall not result automatically in a hearing on the petition. The committee shall determine whether the facts alleged merit a detailed investigation. The committee is to consider the content of the grievant's petition. Assuming the truth of the information contained in the petition, the committee is to determine whether the contentions advanced by the grievant justify a hearing. A petition properly is dismissed if the grievant fails to allege an injury that would entitle the faculty member to relief in accordance with the standard set out in the first paragraph of Section VII below. Dismissal is also required if the petition addresses a problem that is not within the committee's jurisdiction.

The grievant and administrator may attempt to mediate the matter, using a trained mediator who is not a member of the Faculty Grievance Committee. See [Appendix F-1](#), "Faculty Mediation." If the mediation is unsuccessful, a formal hearing may be held if the committee deems the facts merit it; the person directly involved in the grievance shall be given written notice at least ten (10) business days before the hearing, including the names of the Faculty Grievance Committee members. Within five (5) business days of receipt of this notice (which may include e-mail), both parties shall either challenge any committee member due to a conflict or accept the committee. 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 (10) business days after the petition is received.

The details of the hearing are set out in the [Faculty and EHRA Non-Faculty Hearings](#) policy.

VIII. REPORT OF RECOMMENDATIONS

In order to prevail in the grievance process, a faculty member must establish that the faculty member experienced a remediable injury attributable to the alleged violation of a right or privilege based on federal or state law, university policies or regulations, or commonly shared understandings within the academic community about the rights, privileges and responsibilities attending university employment.

If, after hearing the matter, the Faculty Grievance Committee determines that an adjustment in favor of the aggrieved faculty member is appropriate, the Faculty Grievance Committee shall so advise the faculty member and the dean, department head, or other respondent administrator. If the relevant administrative official does not make the recommended adjustment, or a different adjustment that is satisfactory to the faculty member, within a reasonable period of time, the committee shall advise the Chancellor of its recommendation that an adjustment is appropriate, with a copy to the faculty member and the chairperson of the faculty.

If, after reviewing the petition or hearing the matter, the Faculty Grievance Committee determines that no adjustment in favor of the grievant is appropriate, it shall so advise the faculty member and the Chancellor.

The Chancellor shall base his or her decision on the recommendation of the faculty committee and the record from the Faculty Grievance Committee hearing. The Chancellor may, in his or her discretion, consult with the Faculty Grievance Committee before making a decision. The decision of the Chancellor is the final administrative decision.

The Chancellor shall notify the faculty member and the respondent administrator in writing of the Chancellor's decision. The notification shall include a notice of appeal rights, if any, and, if the decision is appealable, it shall contain the information specified below.

IX. FURTHER APPEAL

If the Grievance Committee did not advise that an adjustment in favor of the grievant was appropriate, then the decision of the Chancellor is final and may not be appealed. 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 to the Board of Trustees by submitting such notice of appeal to the Chancellor, with adequate evidence of delivery, within 10 business days after the grievant's receipt of the Chancellor's decision. The notice shall contain a brief statement of the basis for the appeal.

If the Chancellor's decision is appealable, the Chancellor's notice of the disposition of a grievant's case must inform the grievant: (1) of the time limit within which the grievant may file a petition for review by the Board of Trustees, (2) that a written notice of appeal containing a brief statement of the basis for appeal is required within the ten day period and, (3) that, after notice of appeal is received in a timely manner, a detailed schedule for the submission of

relevant documents will be established. All such notices of decision are to be conveyed to the grievant by a method which produces adequate evidence of delivery.

If the Board of Trustees agrees to consider the appeal, it will do so on a schedule established by the Chancellor, subject to any instructions received from the Board or from a committee of the Board which has jurisdiction of the subject matter of the grievance. The Board of Trustees may delegate to a designated committee the authority to make procedural decisions and to make final decisions on behalf of the Board concerning appeals of faculty grievances submitted pursuant to Section 607 of The Code. The Board will issue its decision as expeditiously as is practical. If the grievant fails to comply with the schedule established for perfecting and processing the appeal, the Board in its discretion may extend the time for compliance or it may dismiss the appeal.

In order to prevail before the Board of Trustees, the faculty member must demonstrate that the Chancellor's decision was clearly erroneous, that it violated applicable federal or state law or University policies or regulations, or that the process used in deciding the grievance was materially flawed.

Related Policies:

The UNC Code, [Section 607](#), Faculty Grievance Committee for Constituent Institutions
UNC Policy Manual [Section 101.3.2](#), Grievances Filed Pursuant to Section 607 of the Code
Faculty Handbook, Section 5.1.6, Faculty Grievance Committee

Approved by the Chancellor

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