

J. COMMITTEE ON FACULTY STATUS AND GRIEVANCES

1. **Purpose:** The purpose of the Faculty Status and Grievances Committee shall be to act as a liaison and hearing committee between faculty members or between the faculty and administration, at the request of either, in matters affecting faculty status. The Committee shall report on the number of cases it has heard to the Senate and to a meeting of the general faculty at least once a year. This Committee shall conform to procedures as approved by the Senate and published in the *Faculty Policies and Procedures Manual*.
2. **Membership:** 5 members; 4 alternates.
3. **Ex-officio Members:** None
4. **Tenure Restrictions:** Members must be tenured.
5. **Departmental Restrictions:** Only one person from a department may serve at a time.
6. **College Restrictions:** None
7. **Other Restrictions:** Any faculty member with tenure may be elected to membership on the committee with the exception, made to avoid conflicts of interest, of the following persons:
 - a. Department chairs or any faculty member who also holds an administrative position
 - b. Members of the Faculty Senate Executive Committee.
8. **Term of Office:** The term of office for committee members shall be 2 calendar years beginning at **immediately after the first April** Senate meeting **when the results of the election are announced.** ~~of the academic year following the election.~~ An alternate shall serve for one calendar year. Members may not succeed themselves but may thereafter be elected to the committee. An alternate may be reelected as an alternate or elected as a member.
9. **Method of Selection:**
 - a. Elections shall be held annually.
 - b. Those members listed in the official faculty roster shall be eligible to vote.
 - c. Election of members.
 - (1) During the month of February, the Committee on Faculty Status and Grievances shall provide each **full-time** member of the faculty with a nominating ballot for selecting new members and alternates of the committee and at the same time shall inform the faculty as to the number of vacancies to be filled.
 - (2) Each faculty member shall check the number of names equal to twice the number of vacancies to be filled (new members plus four alternates) and the checked list shall be returned to the faculty status chair who, with the assistance of the committee members, shall tabulate the results and prepare a list of nominees.

- (3) There shall be twice the number of nominees as there are vacancies to be filled; the twelve or fourteen names receiving the highest number of checks shall be declared nominees. ~~There may be no more than one nominee from a single department.~~ The nominees will be contacted to confirm their willingness to serve.
- (4) The election ballots shall be distributed by the Committee on Faculty Status and Grievances to the **full-time** members of the faculty and shall be returned to the faculty status chair within five class days. Members of the committee will assist the chair in counting the ballots. The individuals receiving the highest number of votes will become regular members (two or three) except that no department may have more than one member serving as a regular member. Those departments which do have a regular member may have another member of that department serve as an alternate, as long as both individuals do not serve at the same time. The alternate members will be selected in the order to be called by the number of votes they receive after regular members have been selected. Alternate members shall serve for only one year but may be reelected. The results of the election will be announced at the next Senate meeting.

10. Chair and Notification Requirements:

- a. The continuing and new members of the Committee on Faculty Status and Grievances shall meet to elect a chair for the following year before the final Senate meeting.
- b. The new members, the alternates, and the new chair shall be announced by the current chair at the final **Senate** meeting. This information shall be recorded in the Senate minutes.

11. Filling unexpired terms:

- a. If it is necessary for the committee to function, and if for any reason, any member is unable to serve, his/**her** place shall be filled by alternates in order of precedence.
- b. If at any time the committee determines that it will not be able to function because of a lack of alternates, the committee will notify the faculty of the nature of this situation and will submit for faculty confirmation the name of an individual selected by the committee to serve the unexpired term.

12. Duties of the Committee:

- a. The committee shall act in matters of:
 - (1) A faculty member's grievance against the administration ([See 14, Procedures for Appeals and Hearings](#));
 - (2) A faculty member's grievance against another faculty member(s) ([See 14, Procedures for Appeals and Hearings](#)).
- b. The administration may at its discretion refer matters of faculty status to the committee for recommended action. These referrals must be made in writing to the committee.

- c. ~~The~~ Grievances could involves any issue affecting faculty status including (but not limited to) the following):
- (1) Tenure
 - (2) Contract renewal
 - (3) Promotion
 - (4) Salary (limited to due process)
 - (5) Merit increases (limited to due process)
 - (6) Academic freedom
 - (7) Unethical conduct
 - (8) ~~Other general areas~~ (The “not limited to” above seems to cover “other general areas)
- d. The committee shall act upon a written statement signed by the complainant with a request for a hearing; a preliminary hearing shall be held as soon as possible after receipt of the request.*
- e. Committee members will disqualify themselves if the appeal involves a faculty member from their departments, or if it is felt that there is a conflict of interest.
- f. The committee shall keep confidential records of its proceedings for three years.
- g. When the committee feels that such action is warranted, it shall hold a full hearing within approximately two weeks of the preliminary hearing,* at which time all concerned parties shall be invited to be present and the Provost and Vice President for Academic Affairs’ (PVPAA’s) office shall be notified of the nature of the appeal. **When the The PVPAA is not one of the concerned parties, he/she** shall be requested to attend a full hearing of the Committee on Faculty Status and Grievances **only** under the following conditions:
- (1) When the PVPAA has information pertinent to the case that, in the opinion of the committee, is not available elsewhere.
 - (2) The PVPAA will be present only for the portion of the hearing when the PVPAA is asked questions.
- h. The President, or other individuals with pertinent information, may be requested to attend a hearing.

***If the candidate has requested a hearing by January 17, but the Status and Grievances Committee believes it will be unable to complete its report by February 7, the Committee and the candidate may jointly ask for a delay. In such Cases, the PVPAA and the President will normally postpone action on the case until the Status and Grievances Committee has completed its report, and the Board ofVisitors will postpone action on the case until its summer Board meeting.**

- i. The recommendations of the committee shall be determined by majority vote.
- j. In cases between the faculty and administration, the recommendations of the committee will be furnished to the parties concerned, the President and the PVPAA. If the committee determines that the grievance was caused primarily by inadequate procedure, it should recommend specific procedural improvements to the PVPAA. These procedural recommendations shall be in a separate letter from the recommendations concerning the appeal. If an appeal is made to the Board of Visitors, a transcript and records of the full hearing will be available to the Board of Visitors and the parties involved. **The decision of the Board of Visitors is final.**
- k. In the event that the committee, in its opinion, determines that there is a conflict of authority involved in a case, then it is the responsibility of the committee to seek an interpretation as to which authority takes precedence. This may be done with the PVPAA, the President, or through the President, with the Board of Visitors.
- l. If the committee's recommendations are in favor of the complainant, and if, in the opinion of the committee, suitable action has not been taken within a reasonable time at the appropriate or highest University administrative level, the committee shall send a copy of the proceedings together with its recommendations to the Rector of the Board of Visitors **through the campus liaison to the Board of Visitors.**
- m. In grievances between faculty members, if the services of the committee lead to a resolution that is mutually satisfactory to everyone concerned, no further action will be taken and no report made.
 - (1) Intradepartmental complaints:
 - (a) If recommendations are made by the committee, copies will be furnished to the parties involved, to the department chair, and to all others to whom prior appeal had been made.
 - (b) If, in the opinion of the committee, suitable action has not been taken within a reasonable time, the committee, at the request of either party, shall send its recommendations through as many levels of appeal as necessary.
 - (2) Interdepartmental complaints:
 - (a) If recommendations are made by the committee, copies will be furnished to the parties involved and to all others to whom prior appeal had been made.
 - (b) If, in the opinion of the committee, suitable action has not been taken within a reasonable time, the committee, at the request of either party may send its recommendations to either or both department chairs, deans, or the PVPAA, ~~and through as many more levels of appeal as necessary.~~ **the President, and the Board of Visitors.**

13. **Authorities of the Committee:** The Committee on Faculty Status and Grievances has the authority to determine whether or not the complainant has a legitimate grievance and, if

legitimate, to recommend an appropriate remedy to the appropriate administrative level. A grievance is legitimate **only** if:

- a. The established policies of the university as adopted by the Board have been violated.
- b. The established procedures of the university have been violated.
- c. Established procedure is not adequate or fair (in which case a recommendation for change should be suggested).
- d. It appears that judgments concerning an individual's status have been made without properly considering all the evidence pertinent to the case.~~;~~~~or~~
- e. ~~The grievance involves any issue affecting faculty status including (but not limited to) the following):~~
 - (1) ~~Tenure~~ **Moved to 12. c.**
 - (2) ~~Contract renewal~~
 - (3) ~~Promotion~~
 - (4) ~~Salary (limited to due process)~~
 - (5) ~~Merit increases (limited to due process)~~
 - (6) ~~Academic freedom~~
 - (7) ~~Unethical conduct~~
 - (8) ~~Other general areas~~

14. **Procedures for Appeals and Hearings:**

- a. Faculty-Administrative Grievance Avenues of Appeals

Before the Committee on Faculty Status and Grievances can hear a grievance the aggrieved faculty member must have appealed the decision through all administrative channels short of the President. The appeal must start at the level at which the party was aggrieved or denied. The order of appeals is:

- (1) Departmental committee (if applicable)
- (2) Department chair (if applicable)
- (3) Dean of college (if applicable)
- (4) PVPAA
- (5) Committee on Faculty Status and Grievances

- b. Faculty-Faculty Grievance Avenues of Appeal

- (1) Intradepartmental complaints:
 - (a) Other party (through an intermediary if necessary)
 - (b) Department chair
 - (c) Dean of college
 - (d) PVPAA
 - (e) Committee on Faculty Status and Grievances
 - (f) President

- (2) Interdepartmental complaints:
 - (a) Other party (through an intermediary if necessary)
 - (b) One or both department chairs
 - (c) One or both college deans
 - (d) PVPAA
 - (e) Committee on Faculty Status and Grievances
 - (f) President

c. Timetables for appeals

Timetables for appeals to the Committee in tenure and promotion reviews are already established in [Appendix B](#). For other appeals, the responsible person at each of the appeal levels must schedule, on a mutually agreed upon time and day, and hold a hearing with the aggrieved party within 10 working days of written receipt of the appeal. That person must respond in writing to the aggrieved party with a decision on the matter within 5 working days of the hearing. If any of these does not hold the hearing or does not respond after the hearing within the prescribed time, the required effort to appeal at that level has been met and the aggrieved party may file an appeal at the next level.

d. Request to Committee on Faculty Status and Grievances for Hearing.

- (1) Request for a hearing to the Faculty Status and Grievances Committee must be in writing. It must contain enough information on the nature of the request for the committee to determine whether it falls within the authority of the committee.
- (2) The inclusion of supporting data and documents is an aid to the committee in setting up the preliminary hearing.
- (3) It is helpful if six copies of the material are submitted to the committee.

e. Disqualifications of Committee Members

- (1) Any Faculty Status and Grievances Committee member from the same department as the complainant will be disqualified from sitting at the hearing. In the event of a faculty grievance any committee member from the same department as the second faculty member will likewise be disqualified from serving.
- (2) Committee members may and should disqualify themselves if they feel there is a conflict of interest.
- (3) In the event that any member of the committee does not serve, an alternate, selected by order of precedence, will serve.

15. Procedures for a Preliminary Hearing

- a. All committee members shall be present at all hearings and deliberations of the committee.
- b. The preliminary hearing is held to determine whether there are sufficient grounds for the complaint to warrant a full hearing.
- c. The Committee will invite to the hearing the complainant and all others involved in the grievance **and inform the others involved of the nature of the complaint.**
- d. The Committee will hear each individual separately, the complainant first. In trying to arrive at the pertinent facts the Committee may deem it necessary to recall a witness after others have been heard. The Committee may ask questions of those appearing to clarify the evidence before it.
- e. The evidence at this preliminary hearing will be ~~tape~~ **audio**-recorded.
- f. If any documents are presented, the Committee will need six copies.
- g. The decision of the Committee will be reached by a majority vote.

16. Procedures for a Full Hearing

- a. The full hearing shall be held within two weeks of the conclusion of the preliminary hearing at a time and place set by the Committee, as convenient as possible for all concerned.
- b. The claimant may, if he or she wishes, have another **Longwood** faculty member present as a silent witness to the proceedings.
- c. If the claimant wishes others to present evidence on his or her behalf, the Committee must be consulted ahead of time about the witnesses involved and the nature of the evidence. The Committee will decide which witnesses, if any, are pertinent to the appeal.
- d. All parties involved in the appeal will be invited to be present and to give their evidence.
- e. All involved parties will be present during the presentation of evidence. If the Committee deems that an outside person has pertinent evidence not otherwise obtainable, it may request that evidence and then excuse that individual.

- f. The claimant will be given the first opportunity to present the case followed by the other parties involved.
- g. The Committee members may ask questions of any party present to clarify the evidence.
- h. All evidence given at the hearing will be ~~tape~~ audio-recorded.
- i. The deliberations of the Committee after the evidence is submitted will be private, confidential, and not recorded.
- j. If it is not possible for the Committee to gather some evidence that is essential in deciding the appeal, the Committee may postpone or suspend the hearing and complete it as soon as the evidence is obtained. This provision does not apply in a case such as tenure where the Committee's decision must meet a deadline.
- k. If any documents are presented, the Committee will need six copies.

17. Outcome of the Appeal

- a. The Faculty Status and Grievances Committee will notify the claimant, the other parties involved, the PVPAA, and the President of its decision and the reasons for it in writing as soon as possible after the full hearing. (This is usually about two **to four** days).
- b. **The President will send a letter reporting his/her decision to the candidate and the other parties involved.**
- c. If a decision in favor of the claimant is denied by the President, a copy of the proceedings will be sent to the Rector of the Board **through the campus liaison to the Board** by the Committee. ~~In its cover letter the Committee should remind the Rector that the Chair of the Committee or one of its members can be available to answer questions.~~
- d. If the claimant appeals to the Board of Visitors (**through the campus liaison to the Board**), **a transcript and records** of the hearing will be made available to the Board of Visitors and the parties involved. **In its cover letter the Committee should remind the Rector that the Chair of the Committee or one of its members can be available to answer questions. See Section III. B.**

References: Minutes of the Longwood Faculty, March 2, 1976; February 4, 1977; December 3, 1979; Minutes of the Organization of Teaching Faculty, April 13, 1981; April 4, 1985; May 1, 1986; Faculty Senate, March 18, 2010. Minutes of the Board of Visitors, May 7, 1976; May 16, 1986; June 10, 2010.