3. Grievance Procedure for Unclassified Administrators and Faculty Members with Administrative Appointments Grieving Matters Related to their Administrative Duties

a. Types of Complaints about which Grievances May be Taken

(1) Complaints reasonably related to terms and conditions of employment, including discrimination in compensation, promotion, rating, evaluation, or work assignment.

(2) Violations or misapplications of written policies.

(3) Notice of dismissal from an administrative appointment to take effect before the end of the contract term. (Note: All administrators serve “at the pleasure of the President;” however, since they receive contracts on a yearly basis, they may grieve dismissal from an administrative appointment that is effective prior to the end of the yearly contract term.)

b. Informal Resolution

Since many disputes can be resolved in an informal manner, unclassified administrators and faculty members in their administrative capacity having complaints about the types of matters described in the preceding section are strongly urged to attempt to reconcile their differences informally and promptly with the other party involved. Failing that, the administrator or faculty member may resort to the more formal procedures that follow.
c. Formal Procedures

(1) Attempted Resolution by Immediate Supervisor

(a) Within 10 working days of the act complained of, the administrator or faculty member should present to his/her immediate supervisor, with a copy to any person whose actions are complained of, a written grievance containing the following:

(i) an explanation of the act(s) complained of;
(ii) facts and evidence in support of the complaint;
(iii) an account of attempts to resolve the complaint informally and why they have failed; and
(iv) suggested resolutions to the grievance that are acceptable to the grievant.

(b) The immediate supervisor will have ten working days from the presentation of the written grievance within which to investigate the complaint and attempt to bring the parties to an agreed-upon resolution. This investigation may include conferences, interviewing the parties and others, securing documents and evidence from any available source and other actions deemed necessary in the circumstances.

(c) If an agreed-upon resolution cannot be reached, the immediate supervisor shall make a decision resolving the dispute and

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1 If the complaint is against the immediate supervisor, the Provost or the appropriate Vice-President will appoint another member of the College community to act in the stead of the immediate supervisor throughout these procedures. If the complaint is against a Vice-President, the Provost will perform the immediate supervisor role at this stage, and the appeal in part (2) will be skipped. If the complaint is against the Provost, the President will perform the immediate supervisor role at this stage, and his/her decision will be final, unless an appeal to the Board is allowed.
promptly notify the parties of the decision in writing.

(2) Appeal to Next Level

(a) If either party is not satisfied with the decision of the immediate supervisor, he/she may appeal that decision to the person to whom the immediate supervisor reports by presenting to that person a written Notice of Appeal within five working days from receipt of the decision. (If the person to whom the immediate supervisor reports is the President, the grievant should skip this level of appeal and move ahead to the next stage of these procedures by requesting a review by the President.) A copy of the original written grievance and the decision from which the appeal was made should be attached to the Notice of Appeal, and copies of the entire Notice should be sent to the other party and to the immediate supervisor, or the person who acted in his/her stead.

(b) Upon receiving notification that his/her decision has been appealed, the immediate supervisor shall forward to his/her supervisor all statements, documents and evidence already accumulated.

(c) The person to whom the immediate supervisor reports shall review all materials made available to him/her. He/she may conduct an additional investigation, hold conferences and secure whatever further evidence is deemed necessary to make a decision.

(d) The person to whom the immediate supervisor reports will arrive at a decision within 15 working days of the Notice of Appeal. This decision will be sent in writing to the parties and to the Provost. This decision may be the same or different from that made at the previous level.
(3) Review by the President

If not satisfied with the decision rendered, either party may request, within three working days of receipt of the decision, that the President review the decision. If the President decides to review the case, he or she may review all of the materials thus far accumulated and may meet with the parties with or without counsel. The President’s decision shall be final with regard to all matters except those that may be appealed to the Board.

(4) Necessity of a Hearing for Some Types of Grievances

(a) State law requires that the grievant be given a hearing at some stage if the grievance is based on:

(i) an allegation of discrimination in compensation, promotion or work assignment; or

(ii) receipt of a notice of dismissal before the end of the contract term.\(^2\)

(b) The hearing will take place at the last stage of the procedures before the review by the President and will be conducted according to the following guidelines:

(i) the grievant will be given the opportunity to present evidence in his/her behalf to the decision maker;

(ii) the grievant may be represented by counsel;

(iii) the hearing will be tape recorded, and the grievant will be furnished a copy of the tape upon request.

(c) Appeal to the Board of Trustees

(i) When available

\(^2\) South Carolina Code Section 8-17-380.
When a grievant alleges discrimination in compensation, promotion or work assignment, or has received a notice of dismissal from an administrative appointment before the end of the contract term, he/she may appeal the last internal administrative decision to the Board of Trustees. The Board at its discretion may choose whether to hear this appeal.³

(ii) Procedure

(a) The grievant must file a Notice of Appeal within 10 working days of receipt of the final administrative decision. This Notice must be in writing and sent to the Chair of the Board with copies to the President, the Provost and the other party.

(b) The Board, or a Board committee appointed by the Board Chair, shall have available for its review the tape recording of the hearing and the evidence submitted at the hearing and will base its decision in that record. Briefs and oral arguments will be permitted but are not required. Oral arguments may be made by the parties or their attorneys.

(c) The Board shall submit its final decision in writing to the grievant, the President and the Provost. The decision of the Board is final.

³ South Carolina Code Section 8-17-380.
⁴ The Board of Trustees passed this policy in January 1985.