

COLLEGE of CHARLESTON

Summary of Changes to the By-laws and *Faculty/Administration Manual* for 2017-2018 edition

Last Revised: August 26, 2017

Changes to Faculty By-Laws

- **Article V-Committees, Section 1-General Regulations, B-Terms:** Change in by-laws to increase service limits on Senate and standing faculty committees from three years to five.
 - Change proposed to Faculty Senate by Daniel Greenburg at April 2016 meeting
 - Committee on the By-laws and the *Faculty/Administration Manual* reported on the motion to the Faculty Senate, September 2016.
 - Committee on the By-laws and the *Faculty/Administration Manual* brought motion with specific *FAM* revisions to the Faculty Senate for January 2017 meeting. Motion was approved.
 - Ratified by full faculty in February 2017.
- **Article V-Committees, Section 3-Standing College Committees, B.2-Committee on Graduate Education, Continuing Education and Special Programs:** Replacement of the Committee on Graduate Education, Continuing Education, and Special Programs with two new committees, namely a Committee on Graduate Education and a Committee on Continuing Education.
 - Motion submitted to the Committee on the By-laws and the *Faculty/Administration Manual* by the Committee on Graduate Education, Continuing Education and Special Programs, chaired by Christine Finnan.
 - Motion presented to the Faculty Senate by the Committee on the By-laws and the *Faculty/Administration Manual* at March 2017 meeting. Motion passed.
 - Ratified by full faculty in April 2017.
- **Article V-Committees, Section 3-Standing College Committees, B.20:** Addition of new standing Senate committee, Adjunct Oversight Committee.
 - Proposal introduced to Faculty Senate by Elizabeth Baker at April 2016 meeting.
 - Committee on the By-laws and the *Faculty/Administration Manual* reported at September 2016 Faculty Senate meeting that they would be introducing some revisions prior to further discussion of the proposal by the Faculty Senate.
 - Formal motion brought to the Faculty Senate by the Committee on the By-laws and the *Faculty/Administration Manual* at March 2017 meeting. Motion passed.
 - Ratified by full faculty in April 2017.
- **Article V-Committees, Section 3-Standing College Committees, B.9-Faculty Advisory Committee to the President:** Change in composition of the Faculty Advisory Committee to the President, specifying that six of the existing seats on the committee be filled by representatives of the faculty Academic Planning Committee, Budget Committee, Faculty Welfare Committee, Committee on General Education, Committee on Assessment of Institutional Effectiveness, and Faculty Compensation Committee.
 - Introduced at September, 2016 Faculty Senate meeting by Alex Kasman.

- Committee on the By-laws and the *Faculty/Administration Manual* reported to Senate on motion at October 2016 meeting. Motion passed.
- Committee on the By-laws and the *Faculty/Administration Manual* revised motion to reflect the formal names of the pertinent committees.
- Ratified by full faculty in February 2017.

Changes to Administrative Sections

- **Section VI.E, Procedures for the Annual and Merit Evaluation of Regular Instructional and Library Faculty:** Footnote inserted to clarify how performance evaluations should cover multiple calendar years since the last full performance evaluation or major review.
- **Section VI.H, Post-Tenure Review:** Revisions to more clearly indicate that faculty members seeking but not receiving a superior rating may apply for a superior in subsequent years without waiting for their next scheduled post-tenure review, as implemented for the 2014-15 academic year.
 - Recommendation made to Office of the Provost by 2016-17 Post-Tenure Review Committee, chaired by Chris Fragile, following a conversation with Associate Provost Deanna Caveny-Noecker.
 - Recommendation presented to Faculty Senate in report of 2016-2017 Post-Tenure Review Committee by Chair, Chris Fragile. Senate discussion expressed support for recommendation.
 - Consistent with the 2016-2017 Post-Tenure Review Committee's recommendations, revisions have been made with the 2017-2018 *Faculty/Administration Manual* to clarify the scheduling of reviews.
 - Recommendations of the 2016-2017 Post-Tenure Review Committee regarding deferrals have been held for further discussion.
 - Administrative changes have been made to address cases where the post-tenure review candidate is housed in an academic program, rather than a department, and to clarify language regarding the procedures for deferral requests.
- **Various Sections, Items Associated with Faculty Hearings and Hearing Committee:**
 - *Ad hoc* Committee on Hearing Procedures convened and chaired by Provost McGee and Speaker McNerney.
 - Report of *ad hoc* Committee presented by Roger Daniels, committee chair, at April 2017 Faculty Senate meeting.
 - With the 2017-18 edition of the *Manual*, the following revisions have been made with the endorsement of the 2017-18 Committee on the By-Laws and the *Faculty/Administration Manual*:
 - The grounds for discrimination have been aligned with the College's policy on the *Prohibition of Discrimination and Harassment*, and
 - The final page of the hearing process has been reinserted in the *Manual*.
 - Additional recommendations of the *ad hoc* committee have been held for further consideration in 2017-2018. These include:
 - Proposed changes to deadlines;
 - Insertion of language addressing avoidance of conflicts of interest;
 - Substantive process changes, including proposals regarding witnesses, cross-examinations, and evidence; and

- Proposed changes in the reinserted language addressing the role of the President and the standing of the Hearing Committee's recommendation.
 - The ad hoc committee had also recommended a by-laws change, addressing the constitution of the Hearing Committee, which was held for review by the Committee on the By-laws and the *Faculty/Administration Manual*, the Senate, and the full faculty.
- **Section X.B, Faculty Research and Development:** Clarification regarding applicable guidelines for research payments to faculty.
- Correction of organizational errors, names, and titles of positions and offices throughout.

Attachment: Article V-Committees, Section 1-General Regulations, B-Terms: Change in by-laws to increase service limits on Senate and standing faculty committees from three years to five.

TITLE: Motion to Increase the Number of Years Faculty May Serve on Committees.

With specific changes to the FAM Bylaws

Article V, Section 1.B

INTENT: The change in bylaws would allow faculty to serve for up to five years on any given Senate or Standing Committee. The rationale of this motion is that the current dispensation allows faculty members insufficient time to gain real expertise in a given area (e.g., assessment, budget processes, etc.). Committees are thus limited (or may be seen to be limited) in the degree to which they can function as reliable partners in shared governance with the administration. If committee members can develop real competence/expertise in a given area, committees can contribute more meaningfully to the running of the college. This proposal allows faculty to work more meaningfully and in a more reliably collaborative manner with full-time administrators.

For each proposed change ~~single strike through text~~ is a deletion, underlined text is new language.

Article V. Committees

Section 1. General Regulations

- A. No faculty member may serve on more than two standing committees.
- B. Members of committees (including alternates) serve for a term of one year and may be re-elected twice up to four times and then may serve again on the committee only after a lapse of three years. Commencing with the first year of service, consecutive or intermittent service on a committee during a five year period will require a lapse of three years before a member is eligible to serve again on that committee. Any three year lapse resets the eligibility for another five year period. Terms begin on August 15.
Adjunct faculty committee members shall be elected to fill a vacancy that spans an entire academic year, commencing in August at the beginning of the period of contracted employment as an adjunct faculty member. An elected adjunct faculty committee member can only serve during times of active employment as an instructor of record, so her (his) status as an adjunct faculty committee member lapses at the conclusion each contract period but is automatically renewed at the start of the ensuing contract period in the academic year. Service in any combination of semesters over a three year service period requires that a full calendar year must pass

before he or she is again eligible to serve on a committee. (Rev. Aug. 1999; Rev. Aug. 2015; [Rev. Pending](#))

Attachment: Article V-Committees, Section 3-Standing College Committees, B.2-Committee on Graduate Education, Continuing Education and Special Programs: Replacement of the Committee on Graduate Education, Continuing Education, and Special Programs with two new committees, namely a Committee on Graduate Education and a Committee on Continuing Education.

DRAFT TITLE: Motion to Split the Committee on Graduate Education, Continuing Education, and Special Programs into Two Committees: The Committee on Graduate Education and the Committee on Continuing Education

*With specific changes to the FAM Bylaws
Article V, Section 3.B.2.a-b*

INTENT: The intent of this motion is to split the Committee on Graduate Education, Continuing Education, and Special Programs [hereafter The Committee] into two committees: Committee on Graduate Education and Committee on Continuing Education. In support of this request, we provide background on the origins of The Committee, contextualize the current governance of graduate education and continuing education, and provide a proposed description of the composition and duties of the new Committee on Graduate Education and Committee on Continuing Education.

The Committee, having consulted with the Provost/Dean of the Graduate School and Associate Dean of the Graduate School, believes that the responsibilities associated with graduate education are sufficiently critical and numerous to necessitate a committee devoted solely to monitoring and advancing graduate education and that the same holds for continuing education.

The current Committee charge and structure was created in a period when the College of Charleston was much smaller and few graduate programs existed. In 1981 the Faculty (pre-dating the Faculty Senate) approved an agreement between the Committee on Continuing Education and Special Programs and the Graduate Faculty Committee that the Graduate Faculty Committee be abolished and its duties merged with those of the Committee on Continuing Education and Special Programs. In the ensuing 35 years, numerous changes have occurred at the College of Charleston, especially the expansion of graduate programs from two to 21 (plus 10 graduate certificates) under the auspices of the University of Charleston, South Carolina, and the establishment of the School of Professional Studies. Such expansion renders the current committee composition and charge inadequate to support graduate education and continuing education. In addition, oversight of special programs by relevant administrative offices removes them from review by The Committee.

A review of peer and aspirational institutions' governance in relation to graduate education, continuing education, and special programs shows no other institution combines responsibility for oversight into a single faculty committee. The four institutions reviewed (Appalachian State, James Madison University, University of North Carolina Wilmington, and the College of William and Mary) all have graduate councils or committees on graduate studies devoted solely to graduate education.

For each proposed change ~~single strike through text~~ is a deletion, underlined text is new language.

~~2. Committee on Graduate Education, Continuing Education and Special Programs~~

~~a. Composition: Five faculty members, at least one of whom is also a member of the Graduate faculty. The Dean of the Graduate School, the Registrar, the Provost or designee, and the Director of the Center of Continuing Education and Professional Development are non-voting *ex-officio* members. (Rev. Apr. 2013)~~

~~b. Duties:~~

~~(1) To receive or initiate recommendations and suggestions concerning graduate education, continuing education, and special programs;~~

~~(2) To review or initiate policy issues related to continuing education programs, and to evaluate proposed graduate programs and courses and, *via* the Graduate Council, to advise the Graduate Faculty relative thereto;~~

~~(3) To review and suggest non-credit and outreach programs;~~

~~(4) To serve as the faculty liaison for continuing education program planning of an academic nature; and~~

~~(5) To assist in planning and to provide advice on faculty development programs related to graduate education and continuing education.~~

~~(6) To review and make recommendations concerning proposals for the termination of programs brought to the committee by the Provost. (Rev. Jan. 2011)~~

2. Committee on Graduate Education

a. Composition: Five regular faculty members, at least three of whom are also members of the Graduate Faculty. The Dean of the Graduate School, the Registrar, the Provost, and Associate Vice President of Institutional Effectiveness and Strategic Planning, or their designees, are non-voting *ex-officio* members.

b. Duties:

(1) To review or create recommendations and suggestions concerning graduate education policy, such as programs' student admissions policies and program review policies;

(2) To review proposed changes in graduate programs and courses and, via the Graduate Council, to forward approvals to the Faculty Senate;

(3) To provide faculty review for credit-bearing graduate level education programming of an academic nature that is not applicable to any College of Charleston graduate degree or certificate, such as the non-catalog offerings of the Office of Professional Development in Education;

(4) To plan or review faculty development programs related to graduate education;

(5) To review and make recommendations concerning proposals for the termination of graduate programs brought to the committee by the Provost.

3. Committee on Continuing Education

a. Composition: Five regular faculty members. The Dean of the School of Professional Studies, the Registrar, the Provost, and the Associate Vice President of Institutional Effectiveness and Strategic Planning, or their designees, are non-voting *ex-officio* members.

b. Duties:

- (1) To review or create recommendations and suggestions concerning policy for non-credit continuing education;
- (2) To review non-credit continuing education offerings and advise the College of Charleston units relative thereto;
- (3) To assist in planning and review of faculty development programs related to continuing education;
- (4) To review and make recommendations concerning evaluation of non-credit continuing education offerings.

Attachment: Article V-Committees, Section 3-Standing College Committees, B.20: Addition of new standing Senate committee, Adjunct Oversight Committee.

TITLE: Motion to Form a New Standing Senate Committee: Adjunct Oversight Committee

*With specific changes to the FAM Bylaws
Article V, Section 3.B.20.a-b*

INTENT: There is currently no standing committee charged with monitoring or making recommendations on adjunct policies and practices at the College. Adjunct faculty are responsible for teaching a significant portion of our student credit hours. Their work affects all faculty and students at the College and should be formally monitored and supported through a shared governance structure. This committee's work will not replace work done by existing committees, but will facilitate a more informed discussion of adjunct policies and a more nuanced, up-to-date understanding of the working conditions and contributions of adjunct faculty at the College of Charleston.

The committee's work should consist of collecting, interpreting, and publicizing information on current adjunct policies and practices at the College. Using national best practices and prior reports on College practices as a guide, the committee should assess how many best practices the College uses or attempts to use in a given year.

Once the committee's protocols for collecting information become established, the committee might choose to meet twice a semester and deliver an oral or written report to the Senate once a year. Meetings might occur more frequently if the committee sees fit.

For each proposed change ~~single strike through text~~ is a deletion, underlined text is new language.

20. Adjunct Oversight Committee

a. Composition: Four regular faculty members, designated from each of the Budget Committee, Faculty Welfare Committee, Faculty Compensation Committee, and Academic Planning Committee; together, with an elected adjunct faculty member (as described in Article V, Section 1.B), and an ex-officio non-voting member designated by the Provost.

b. Duties:

(1) Receive and analyze reports: from the Office of Institutional Research, Planning, and Information Management on the number of adjuncts employed by the College, the number of credit hours delivered by adjunct faculty, adjunct faculty members' rank and status (part-time or full-time), and adjunct faculty compensation;

and, from the Provost's office on College policies for adjunct faculty.

- (2) Solicit additional information on adjunct practices in use in Schools, Departments, and Programs. To obtain this information, the committee may analyze published documents (e.g., department websites or handbooks), interview deans and chairs, conduct surveys of adjunct faculty, and/or do additional research.
- (3) Receive and respond to information from the Provost's office and/or senior leadership regarding future plans for the College that will affect the College's reliance on adjunct faculty or compensation of adjunct faculty.
- (4) Regularly report to Faculty Senate, Provost, and adjunct faculty on the College's adjunct policies and practices; make recommendations to the Faculty Senate and appropriate committees regarding compensation, working conditions, ongoing professional development, and collegiality for adjunct faculty. With the assistance of the Faculty Secretariat, maintain a permanent record of each year's minutes and annual reports. (Rev. Pending)
- (5) Meet twice each semester, or more frequently, at the committee's discretion.

On September 29st, 2016 the Bylaws/FAM Committee reviewed the Motion to Alter the Composition of the Faculty Advisory Committee to the President (FACP), a proposal introduced to the Faculty Senate at the September 13th, 2016 meeting by Alex Kasman. The following is a summary of comments and concerns that were raised in the review of this Motion, both by the Faculty Senate and the Bylaws/FAM Committee:

- Revising committee composition will strengthen shared governance by facilitating communication across several committees.
 - Inherently reduces committees functioning as separate, unrelated modules, and may reduce redundancy across committees.
- Ensuring consistent committee representation will build rapport and accountability between the President and FACP across academic years.
 - This could further be strengthened by the pending Motion to Increase Duration of Faculty Service, where increasing consecutive service will increase continuity of addressing major issues that span multiple FYs.
- Challenges to seat the Committee:
 - Faculty may only serve on two standing committees, thus it may be difficult for Nominations and Elections to seat a committee when Committee Chairs have other *ex officio* or elective participation elsewhere.
 - We suggest revising language to reflect "Committee Chairs or designated Committee Members"
- Are the 6 committees identified in the proposed composition the most logical or strategic to be represented on the FACP?
 - The General Education Committee may have more influence on policies that affect faculty and departments than the Curriculum Committee.
 - What about Academic Standards and Admissions?
 - 6 other committee members are appointed by N&E; these appointments could be strategic if those committees not represented in the proposed composition were to request N&E to consider representation.

Attachment: Article V-Committees, Section 3-Standing College Committees, B.9-Faculty Advisory Committee to the President: Change in composition of the Faculty Advisory Committee to the President, specifying that six of the existing seats on the committee be filled by representatives of the faculty Academic Planning Committee, Budget Committee, Faculty Welfare Committee, Committee on General Education, Committee on Assessment of Institutional Effectiveness, and Faculty Compensation Committee.

TITLE: Motion to Alter the Composition of the Faculty Advisory Committee to the President

*With specific changes to the FAM Bylaws
Article V, Section 3.B.9.a*

INTENT: The change in bylaws would alter the composition of the Faculty Advisory Committee to the President. The Committee would comprise the chairs of the Academic Planning, Budget, Faculty Welfare, General Education, Assessment, and Compensation Committees together with six additional members, at least one of whom shall be an adjunct faculty member. The rationale for the requested changes is that the current dispensation militates against streamlined and concerted faculty input into shared governance. Currently it is possible for committees to be unaware of what other committees are working on, resulting in potential for duplication of effort and/or the potential for committees to be working actively at cross-purposes. At the moment, the advisory committee does its best to collectively represent broad faculty concerns, but its composition does little to allow faculty committees to coordinate their efforts on behalf of responsible shared governance. Including on the committee the chairs of the six Senate Committees with the broadest College-wide remit in relation to planning will aid those committees' coordination and reduce possible redundancy; those committee chairs are more likely to have relevant information to share with and more likely to be in a position to act upon information received from the administration than other faculty members. At the same time, in maintaining 50% representation of “at-large” faculty, the motion honors the original intention of the Advisory Committee’s composition. The proposed change also reduces by six the total number of faculty needed to serve on committees. Together with the proposal to extend the length of term faculty members may serve on committees, this proposal allows faculty to work more meaningfully and in a more reliably collaborative manner with full-time administrators.

For each proposed change ~~single strike through~~ text is a deletion, underlined text is new language.

9. Faculty Advisory Committee to the President

a. Composition: ~~Eleven faculty members and one adjunct faculty member. At least three of the faculty members serving on the Committee will be tenured. The chair, or designated member, from each of the Academic Planning, Budget, Faculty Welfare, General Education, Assessment, and Compensation Committees, together with six additional faculty members, at least one of whom shall be an adjunct faculty member. (Rev. Aug-2015) (Rev. Pending).~~

Attachment: Section VI.E, Procedures for the Annual and Merit Evaluation of Regular Instructional and Library Faculty: Footnote inserted to clarify how performance evaluations should cover multiple calendar years since the last full performance evaluation or major review.

³⁹ A full performance evaluation covering a multi-year review period should provide separate comments on and assessments regarding the year or years for which a full performance evaluation was not provided and the most recent year, for which a full performance evaluation is conducted. The evaluation materials prepared by the faculty member and the written performance evaluation prepared by the Department Chair should not create confusion about the calendar year in which faculty activity has occurred.

Attachment: Section VI.H, Post-Tenure Review: Revisions to more clearly indicate that faculty members seeking but not receiving a superior rating may apply for a superior in subsequent years without waiting for their next scheduled post-tenure review, as implemented for the 2014-15 academic year.

COLLEGE of CHARLESTON

Post-Tenure Review Committee

Annual Report

March 29, 2017

2016-17 Committee Members:

Chris Fragile, Chair (Physics & Astronomy)
William Barfield (Health & Human Performance)
Lei Jin (International & Intercultural Studies)
Elena Strauman (Communication)
Anthony Varallo (English)

The Post-Tenure Review (PTR) Committee met 11 times during the 2016-17 academic year. This report summarizes our activities and discussions.

On 8 Sep., the Committee met to elect a chair and review the schedule and process for post-tenure review. Over subsequent weeks, the Committee considered (electronically) four deferral requests; all were approved unanimously.

On 17 Nov., the Committee met to consider the following questions:

1. When can a candidate seek a Superior rating? Must they wait 6 years after their previous review? For example, if a candidate received a Satisfactory rating one year, must they wait 6 years to pursue a Superior rating?
2. What is the purpose of a deferral? Is it to avoid getting an Unsatisfactory rating? Is it to preserve eligibility to seek a Superior rating? If a candidate doesn't have to wait 6 years to seek a Superior after a Satisfactory, then is there any reason to grant them a deferral?
3. What time period should be considered for a Superior rating? The time since the last PTR? Always 6 years? The cumulative time since the last Superior?

We were joined in that meeting by Dr. Deanna Caveny-Noecker from Academic Affairs. As a result of discussions in that meeting, the Committee has come up with a list of recommended changes for the FAM (see attached memo).

From 19 Jan. to 16 Feb., the Committee met nine times to consider 16 cases for a Superior rating. All cases had been positively recommended in previous levels of review (Chair and Dean). The Committee concurred unanimously on nine of those cases, concurred with a split vote on three cases, disagreed with previous levels of review with a split vote on three cases, and disagreed with a unanimous vote on one case. Letters summarizing the Committee's deliberations were delivered to the Provost's Office by 24 Feb.

Of the four cases where the Committee recommended against a Superior rating, the Provost followed the Committee's recommendation on only one. This could potentially point to a disconnect between the Committee and the Provost on what the standards are for a Superior rating.

Some general points this year's Committee noted with regard to reviewing PTR packets:

1. An objective review of research quality seems to be lacking in the PTR process. The committee members themselves lack the expertise to assess the quality of research since it is almost always outside their areas of expertise. Therefore, they must rely on others in this respect. However, in many cases, the only qualified expert in the line of reviewers is the

department chair, and we expect it may be difficult for the chair to be completely objective in this matter.

2. There is a great deal of variability in how departments handle peer-reviews of teaching. Some peer reviews only consider teaching material in the packet. This is of little benefit to the Committee as we can review such material ourselves. Other departments include classroom visits as part of the peer review process. This year's committee found such reviews much more helpful.
3. Some of this year's candidates for Superior rating did a poor job of identifying on their CV what products and activities were performed during the review period. They also provided little to no information on what their contributions were to co-authored works. These shortcomings make the Committee's job more onerous.

The Committee does not have any specific recommendations with respect to these points; we are simply noting them for the record.

Sincerely,

P. Chris Fragile, Chair
on behalf of the Post-Tenure Review Committee

cc: Dr. Brian McGee, Provost and Executive Vice President for Academic Affairs
Prof. Todd McNerney, Speaker of the Faculty Senate

Post-Tenure Review Committee Recommended Changes to PTR Process

March 29, 2017

Based upon discussions by this year's Post-Tenure Review (PTR) Committee and conversations with Dr. Deanna Caveny-Noecker of Academic Affairs, we recommend that the following clarifications and revisions be made to the PTR process as outlined in the FAM:

1. Clarification should be made that *all* tenured faculty *must* go up for either promotion or some sort of post-tenure review at least once every 6 years. With the new, streamlined process for getting a Satisfactory PTR, we see few reasons (see #4 below) for this not to be standard practice.
2. Faculty at the rank of Professor should be eligible to seek a Superior rating on PTR in any year, beginning in the 6th year after their promotion, keeping in mind that Superior ratings will not be granted more frequently than once every 6 years. All of this is irrespective of when the last Satisfactory PTR occurred. This is to clarify that the "clock" for Superior is not tied to the "clock" for Satisfactory. To us, this seems fair given that, under current practice, someone who goes up for Superior one year, but only gets a Satisfactory, is considered eligible to go up for Superior again the following year. That same option, of going up for a Superior the year after receiving a Satisfactory (or any other year), should be available to all faculty.
3. The period of review for either type of PTR should be the period since promotion or the last rating *of that or a higher type*. When coupled with item #1 above, this means that a Satisfactory review period should never exceed 6 years, though for a Superior, the period could be much longer.
4. With these clarifications and revisions, we do not feel there is any need to retain the deferral option, except possibly in the case of faculty approaching retirement. In most cases (other than faculty nearing retirement), if a faculty member is not ready to seek a Superior rating, they should still be reviewed for Satisfactory if it has been 6 years since their last promotion or PTR. With the streamlined process for Satisfactory rating, we feel there is too little burden on the faculty member to justify a deferral.

FAM language to reflect these changes is currently being drafted. For now, we present these ideas as a set of guiding principles.

Chris Fragile, Chair (Physics & Astronomy)
William Barfield (Health & Human Performance)
Lei Jin (International & Intercultural Studies)
Elena Strauman (Communication)
Anthony Varallo (English)

VI. EVALUATION OF FACULTY ...

H. Post-Tenure Review

1. Introduction-Post-Tenure Review Schedule

A post-tenure review will be conducted for each tenured faculty member during the sixth year since her/his previous extra-departmental review (tenure and/or promotion or post-tenure review). Each tenured faculty member must undergo post-tenure review at least once every sixth year, except that a tenured Associate Professor or Librarian III may elect to undergo review for promotion to Professor or Librarian IV, respectively, instead, with the understanding that the post-tenure review clock is reset by the promotion review.

Faculty members holding the rank of Professor or Librarian IV are eligible to seek a superior post-tenure review rating in their sixth year in rank at the College or any subsequent year provided the faculty member does not receive a superior post-tenure review rating more often than every sixth year. A Professor or Librarian IV who seeks a superior rating but receives a satisfactory may seek a superior rating in a subsequent year, without waiting another six years. Similarly, a Professor or Librarian IV who seeks a satisfactory rating may subsequently seek a superior without waiting six years from the satisfactory review.

(Rev. Aug. 2017)

2. Rating of Candidates

a. Ratings of a candidate will take one of three forms:

(1) Superior Rating

The superior rating is awarded to candidates who continue to perform at the level expected for the promotion to the rank of Professor, or Librarian IV, in accordance with the standards of the Faculty/Administration Manual.

(2) Unsatisfactory Rating

Candidate has exhibited evidence of habitual neglect of duty, which means consistently and regularly failing to fulfill the terms and conditions of appointment, as laid out in the Faculty/Administration Manual's section on

"Termination of Tenured Faculty Members 'for Cause' and Termination Procedure."

(3) Satisfactory Rating

All other candidates.

b. Presumption of Satisfactory Performance

The Post-Tenure Review Committee operates on a presumption of satisfactory performance. That is, the burden of proof (clear and convincing evidence) for a superior performance lies with the candidate, and the burden of proof for an unsatisfactory performance, including with completion of a remediation plan, lies with the ~~D~~department ~~C~~chair (or department post-tenure review panel). When a faculty member is not appointed to an academic department, the relevant Program Director shall serve in the role of Department Chair for purposes of the post-tenure review.

The Post-Tenure Review Committee can request additional information at any time during their deliberations.

(Rev. Aug. 2017)

3. Forms of Post-Tenure Review

a. Consideration for Satisfactory Rating

For a tenured faculty member who wishes to be considered for a satisfactory rating, in the spring semester of the sixth year following the previous extra-departmental review, the chair will review with the faculty member his or her performance evaluations over the last six years, including any evaluation completed in the sixth year. Following the discussion with the faculty member, the ~~D~~Department ~~C~~chair will discuss his or her overall summary of those performance evaluations with the ~~D~~Dean.

A faculty member who has received two or more unsatisfactory ratings in teaching (or, for a librarian, two or more unsatisfactory ratings in professional competence) over that six-year period will be deemed to have received an unsatisfactory rating for ~~p~~Post-~~t~~Tenure ~~r~~Review. Otherwise, the faculty member will receive a rating of "satisfactory." Formal written notice from the ~~D~~Department ~~C~~chair to the faculty member, ~~D~~Dean and Post-~~T~~Tenure

Review Committee of an unsatisfactory rating and need to develop a remediation plan will take place by March 15 of each academic year.

b. Application for Superior Rating

A faculty member at the rank of Professor or Librarian IV is eligible to apply for a superior rating in the fall of the sixth year following a successful extra-departmental review (promotion to professor, or a superior rating on a post-tenure review), provided the faculty member has not received two or more ratings of unsatisfactory in teaching (or professional competence) since the last extra-departmental review. The “superior rating” is awarded to candidates who continue to perform at the level expected for the promotion to the rank of Professor, or Librarian IV, in accordance with the standards of the Faculty/Administration Manual.

In the event that a candidate who is eligible for and has applied for a superior rating fails to receive that rating at a level of review, a rating of satisfactory will be assigned at that level of review.

4. Deferments

- a. Faculty members may petition the Post-Tenure Review Committee for the postponement of their post-tenure reviews based on extenuating personal circumstances, exceptional professional commitments, or valid medical reasons which must be documented in the petition. Petitions must be endorsed by the faculty member's Chair and Dean. Postponements will be approved only under extraordinary circumstances and will not normally extend more than one academic year. Decisions by the Post-Tenure Review Committee regarding deferments shall be communicated in writing. Decisions by the Committee may be appealed to the Provost within one (1) week of the candidate's notification. The Provost's decision shall be final.

- bb.—A faculty member who announces his or /her decision to retire within three years of his or her~~their~~ scheduled time for post-tenure review (by submission of a letter to the Dean of his or /her school and the Provost) may choose not to undergo that review. However, if a faculty member postpones the announced time of retirement for more than one year, he or /she will be evaluated in the year of that postponement. All letters indicating the faculty member's

~~desire for petitions for a deferment or a waiver of post-tenure review due to an announced retirement must be copied and addressed to the Post-Tenure Review Committee.~~

~~(Rev. Aug. 2017)~~

- c. A faculty member scheduled for post-tenure review in a given year will not have to undergo that review if he or /she petitions for promotion that same year.
- d. Administrators who previously held 12-month faculty appointments, such as Deans, and are rejoining the ranks of the faculty will undergo post-tenure review within three years of their return to faculty status.
- e. If a faculty member takes a sabbatical leave or a leave of absence in the same academic year he or /she is scheduled for post-tenure review, the post-tenure review will take place during the following academic year, unless the faculty member decides to undergo the review at the originally scheduled time.
- f. ~~All petitions for a deferment or a waiver of post-tenure review due to an announced retirement must be addressed to the Post-Tenure Review Committee. All petitions for a deferment or a waiver of post-tenure review should be addressed to the Post-Tenure Review Committee and official communications regarding postponement or waivers of review will be issued by said committee.~~

~~(Rev. Aug. 2017)~~

5. Preparation and Submission of the Faculty Member's Packet in Application for Superior Rating

- a. A faculty member who wishes to be considered for a superior rating shall submit to his or /her Department Chair by the announced deadline a packet of material that must include:
 - (1) Curriculum vitae.
 - (2) Statement from the candidate on teaching, research and service addressing accomplishments since the last review and future plans and goals.
 - (3) Annual performance evaluations by the Department Chair during the period under review. In the event that a

~~D~~epartment ~~C~~hair is being evaluated, the ~~D~~ean's annual evaluations of the ~~C~~hair will be included instead.

- (4) Candidates seeking a superior rating must furnish two letters from intra- and/or extra-departmental peers concerning aspects of the candidate's teaching (or, for librarians, professional competency). The evaluation of teaching performance will include the peer review of class materials and/or peer observation of classroom performance by two (2) senior faculty colleagues.
 - (5) Computer-generated student teaching evaluations (summary pages with numbers) for all evaluated courses taught by the candidate during the period under review.
 - (6) Candidates seeking a superior rating must also furnish clear evidence that they continue to perform at the level expected for the promotion to the rank of Professor, or Librarian IV, in accordance with the criteria of the Faculty/Administration Manual, as indicated in Sect VI.A.4.c. for instructional faculty and VI.C.4.d for library faculty. Evidence is to be compiled for the intervening period between promotion evaluation and/or post-tenure reviews.
- b. A late packet will not be considered for a superior rating except in extraordinary circumstances. A letter must accompany the packet to explain these circumstances.

(Rev. Apr. 2009, Rev. Dec. 2011)

6. Recommendations by the Department Chair or Panel and the Dean

Post-tenure review is normally conducted by the ~~D~~epartment ~~C~~hair. A departmental post-tenure review panel will be convened only in the case of post-tenure review of the ~~D~~epartment ~~C~~hair. When the ~~D~~epartment ~~C~~hair herself or /himself is up for post-tenure review, the most senior tenured member of the department (other than the ~~C~~hair) will convene, and chair, a departmental post-tenure review panel consisting of three tenured faculty members (including the panel chair). Panel members will normally be drawn from the home department according to seniority. When necessary to complete the panel, additions will be drawn, following the same criteria, from departments with related areas of study. The panel may not include Department ~~C~~hair from external departments. No tenured faculty member concurrently subject to post-tenure review may serve on this panel. The panel will exercise the same responsibility with

respect to the Department Chair's candidacy that the Chair exercises in all other cases. This departmental panel will also review all other cases coming up for post-tenure review at the same time as the Department Chair. The Department Chair or departmental panel will recommend a rating for the candidate's performance.

In the case of a candidate requesting a superior rating, the Department Chair (or the departmental panel) shall forward to the candidate's Dean by the announced deadline the candidate's packet with a letter justifying the Chair's (or panel's) concurrence or failure to concur with the candidate's self-evaluation. At this time a copy of the letter shall be forwarded to the candidate. Should the rating of the Chair (or departmental panel) be satisfactory rather than superior, the candidate may forward a letter of rebuttal to his or her dean and his or her Department Chair no later than five (5) days before the first day of the beginning of the Spring Semester. The Deans will review packets and forward written recommendations to the Office of the Provost.

In the case of a candidate being considered for a satisfactory rating, the Department Chair (or the departmental panel) shall meet with the Dean to discuss a summary of the candidate's annual performance evaluations. In addition, the Chair or panel will forward to the candidate's Dean a written statement that the candidate meets the criteria for a satisfactory rating or a brief summary of the ratings received on annual performance evaluations in the area of teaching and a statement that the candidate receives an unsatisfactory rating. At this time a copy of the letter shall be forwarded to the candidate, the Provost, and the Post-Tenure Review Committee.

(Rev. Apr. 2009)

7. Recommendations to the President on Superior Ratings

a. The Post-Tenure Review Committee shall review and forward its recommendations on applications for superior ratings to the Provost by the announced deadline, typically at the end of February. The Provost may make a recommendation and shall forward all recommendations to the President by the announced deadline.

(Rev. Apr. 2009)

b. The President shall make a final determination on superior ratings within two (2) weeks after she/he receives recommendations from all of the following: the Department Chair (or the departmental panel chair), the appropriate Dean, the Post-Tenure Review Committee, and the Provost. All such recommendations shall be

submitted to the President no later than March 1 of each year.¹ In addition to these recommendations, the President shall also have access to, and may consider, other materials used by any or all of the foregoing during the course of their respective evaluations. Once a final decision is made by the President, and within the two (2) weeks after the last recommendation is received by him or her, the President shall inform the candidate, the Provost, the Dean, and the Department Chair (or departmental panel chair), in writing, of his or her decision.
(Rev. Apr. 2009)

c. Merit Increase for Superior Rating

Whenever the President assigns a rating of superior, such a rating must be accompanied by a permanent merit increase in pay effective the academic year following the year of evaluation.

8. Remediation Plan for Unsatisfactory Rating

Whenever a candidate receives a rating of unsatisfactory under post-tenure review, the case will be remanded to the existing departmental post-tenure review panel, or a new one convened for the purpose (in the latter case, including the Department Chair and two (2) other tenured departmental faculty members), to devise a remediation plan in consultation with the candidate. This plan must be approved by the Dean and submitted to the college-wide Post-Tenure Review Committee for approval within twenty (20) working days of the determination of an unsatisfactory rating. The Post-Tenure Review Committee must approve or, in consultation with the departmental panel, modify the plan within fifteen working days.

A component of this plan must involve full annual performance evaluations of the faculty member that address the remediation plan directly. As part of the annual performance evaluation, both the Department Chair and the Dean must describe in writing the faculty member's progress in meeting the goals of the remediation plan.

a. Ratification of remediation plan

Ultimate ratification of satisfactory completion of a remediation plan rests with the college-wide Post-Tenure Review Committee, as constituted at the time of the deadline originally assigned for completion of remediation, to the extent possible. In the event that the Committee concludes that the candidate has failed to complete the remediation plan to its satisfaction, the Committee will notify

¹ Deadlines for earlier stages of the review process typically are prior to March 1 and are announced by Academic Affairs each year.

the candidate, the Department Chair or panel, the Provost, and the Dean of the candidate's school that the Committee has concluded that proceeding for revocation of the candidate's tenure ought to be instituted, in accordance with the guidelines of the Faculty/Administration Manual.

9. Appeals

a. Appeal of decision on completion or remediation plan

A candidate wishing to appeal a decision of the Post-Tenure Review Committee that the candidate has failed to complete the remediation plan to its satisfaction must submit a written appeal to the Faculty Hearing Committee within ten (10) days of notification of this decision. The decision may only be appealed when the faculty member alleges the Committee's decision was based upon:

- (1) Discrimination, defined as differential treatment based upon the race, religion, sex, national origin, color, age, or handicapgender, sexual orientation, gender identity or expression, age, race, color, religion, national origin, veterans' status, genetic information, or disability; or
- (2) Violation of academic freedom as it relates to freedom of expression; or
- (3) Violation of due process as provided in the College's published rules, regulations, policies and procedures.

(Rev. Aug. 2017)

b. Appealing a Satisfactory Rating

A candidate who receives a satisfactory rating ~~after~~when having sought a superior rating and who alleges that the rating was based upon discrimination, violation of academic freedom or violation of due process may follow the appeals procedure outlined in Art. X.I.

If the candidate feels that the satisfactory rating received is incorrect ~~for due to~~ reasons other than ~~those~~those listed in the preceding paragraph, a formal appeal is not allowed. However, the faculty member remains eligible to apply-~~undergo~~ review for a superior rating in subsequent years, without waiting six years for the next scheduled review.
(Rev. Aug. 2014, Aug. 2016, Aug. 2017)

To: By-Laws Committee

Fr: Roger B. Daniels 

(on behalf of the Ad Hoc Committee on Hearings (Roger Daniels, Susan Farrell, Clare Curtis, John Huddlestun, Conrad Festa, Carl Wise, Angela Mulholland, and Deanna Caveny-Noecker)

Re: Report of the Committee on Suggested Changes to FAM

Dt: March 21, 2017

Attached please find a document that includes the proposed changes to the FAM that are being placed with the By Laws Committee. The document contains (1) motions passed regarding conflicts of interest and terms of appointment of Hearing Committee Members, (2) edits of the FAM to include description of the Hearing Committee including its function and general language cleanup, and (3) language regarding Post Hearing Procedures (revision of a previous appendix to the FAM).

**Ad Hoc Committee on Hearings
Motions Passed
December 8, 2016**

Recognizing that we agreed to send a single summative document containing our proposed changes to the FAM to the Bylaws Committee upon the completion of our work in the spring, this document is provided to memorialize the three motions passed by the Ad Hoc Committee at their December 8, 2016 meeting (3:00 pm in Randolph Hall).

Motion 1: Change the language of the FAM [page 179-180, (d)] to read

*Within two working days or receipt of the committee's decision as to whether or not a hearing will be held, the Provost shall give written notice to the committee and the grievant of the name of the representative who will be representing the College at the hearing. The college representative may be any of the following persons, so long as he/she is not an attorney **and has no conflict of interest in the proceeding**; the Provost, a Vice President, a Department Chair or any other member of the College community deemed appropriate by the Provost.*

Motion on passed unanimously (8 to 0 vote).

Motion 2: Change the language of the FAM [page 180, 3 (b)] to move the present item (4) to a "(5)", and insert a new item (4) to read:

The Hearing Committee has the authority to determine whether there are conflicts of interest among proceeding participants. This determination may be appealed to the Hearing Committee by the grievant or the President (or the President's designee).

Motion passed by a vote of 6 to 2.

Motion 3: Change the language of the FAM [page 26, (11), (a)] by inserting the following language:

Each Hearing Committee member will serve three consecutive academic years. Committee assignments shall be staggered as determined by the Committee on Nominations and Elections.

Motion passed unanimously (8 to 0 vote).

From FACULTY ORGANIZATION AND BY-LAWS

From Article V. Committees

Section 3. Standing College Committees

B. The following standing College committees are established:

11. Faculty Hearing Committee

- a. Composition: Eleven (11) tenured faculty members, at least four of whom shall hold the rank of Professor. Five members will be randomly among those with no conflict of interest, including two members with the rank of Professor. In the event of a second hearing in a given academic year a second committee of five will be constituted. Members of the first committee may elect to not be considered for service in the second Hearing. Each iteration of a group to Hear a case will consist of five members, two of whom must have the rank of Professor. Two years of service is encouraged.

~~Composition: Five tenured faculty members, at least two of whom shall hold the rank of Professor, and six tenured alternates, at least two of whom shall have the rank of Professor, who shall be available in case of a conflict of interest involving a member of the committee. In the event of the disqualification of a committee member because of a conflict of interest, a replacement of comparable rank shall be chosen from among the alternates, if possible.~~

b. Duties:

- (1) To hear the cases of tenured faculty members against whom the College has made formal, written allegations of a nature that, if substantiated, could lead to their dismissal for cause.
- (2) To hear cases of non-tenured faculty members against whom the College has made formal, written allegations of a nature that, if substantiated, could lead to their dismissal during the course of a contract year.

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- (3) To hear cases involving alleged discrimination in denial of tenure, dismissal at the end of the contract term, promotion, compensation, or work assignment.
- (4) To hear cases involving alleged violation of academic freedom.
- (5) To hear cases involving alleged violation of due process.
- (6) To hear election appeals.
- (7) To hear other matters referred by the President to the committee where a due process hearing is necessary.

c. Grievance Procedure:

On receipt of a written request, the committee Chair will normally convene the committee within ~~thirty days (normally to exclude all College holidays and from the day after spring commencement through August 15)~~ fifteen working days in accordance with procedures for the committee outlined in the Faculty Hearing Committee Faculty/Administration Manual, Appendix E Article X.I, which details the Hearing Committee's procedure.

IV. CONDUCT OF FACULTY AND ADMINISTRATORS

C. Statement of Academic Freedom¹

1. Purpose of the Statement of Academic Freedom

The purpose of this statement is to promote public understanding and support of academic freedom and tenure, and agreement upon procedures to assure them at the College of Charleston.

Institutions of higher education are established for the common good and not to further the interest of either the individual faculty member or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspects is fundamental for the protection of the rights of the faculty member in teaching and of the student in learning. Academic freedom carries with it duties correlative with rights. Tenure, by providing job security, allows for:

1. freedom of teaching and research and of extramural activities and
2. a sufficient degree of economic security to make the profession attractive to men and women of ability.

The freedom and economic security provided by tenure are indispensable to the success of the College of Charleston in fulfilling its obligations to its students and to society.

2. Statement of Academic Freedom

The faculty member is entitled to full intellectual freedom in research and in the publication of the results, subject to the adequate performance of his or her other academic duties; but undertaking research for pecuniary return must be based upon a prior understanding with the academic administration of the institution, and requires written authorization by the President before it may be undertaken. (See Section V.G.)

A faculty member is entitled to freedom in the classroom in discussing his or her subject, but must not introduce into teaching controversial matter which has no direct relation to the subject.

¹ Section C, Statement of Academic Freedom, parts 1 and 2 are based directly upon and quote liberally from the "1940 Statement of Principles on Academic Freedom and Tenure" and 1970 Interpretive Comments published in Policy Documents and Reports, Third Printing, January 1977 by the American Associations of University Professors.

A faculty member is entitled to freedom to address any matter of institutional policy or action whether or not as a member of any agency of institutional governance. The faculty member's action is free from institutional discipline or restraint, save for statements or actions that violate the College's Code of Professional Conduct and Statement of Professional Ethics (*FAM IV.B*).

The College faculty member is not only a member of a learned profession and an officer of an educational institution but also a citizen. When a faculty member speaks or writes as a private citizen, he or she is free from institutional censorship or discipline. However, the special position of a college faculty member in the community carries with it special obligations. As a person of learning and an educational officer of the College, a faculty member is expected to bear in mind that the public may judge the academic profession and the College of Charleston by his or her utterances. Hence, a faculty member is required at all times to be accurate, to exercise appropriate restraint, to show respect for the opinions of others, and to make every effort when writing or speaking as a private citizen to indicate that he or she is not an institutional spokesperson.

(Approved by the Committee on the By-Laws and the *Faculty/Administration Manual*, Feb. 2011; Faculty Senate Apr. 2011; and the Provost.)

3. Academic Freedom and Protection Against Discrimination²

1. All members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the 1940 Statement of Principles on Academic Freedom and Tenure, formulated by the Association of American Colleges and the American Association of University Professors.
2. All members of the faculty, whether tenured or not, are entitled to protection against illegal or unconstitutional discrimination by the institution, or discrimination on a basis not demonstrably related to the faculty member's professional performance, including but not limited to race, sex, religion, national origin, age, physical handicap, marital status, or sexual or affectional preference, gender, sexual orientation, gender identity or expression, age, race, color, religion, national origin, veterans' status, genetic information, or disability, as proscribed by law and described in the College's policy *Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse*.

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² These sections, IV.C. 3 through 8 are taken directly from and quote 1982 Recommended Institutional Regulations on Academic Freedom and Tenure sections 9 through 14, pp. 28-29, AAUP Policy Documents and Reports.

4. Complaints of Violation of Academic Freedom or of Discrimination in Non-reappointment

If a faculty member on probationary or other non-tenured appointment alleges that a decision against reappointment was based significantly on considerations violative of academic freedom or governing policies concerning illegal or institutional discrimination by the institution on the basis gender, sexual orientation, gender identity or expression, age, race, color, religion, national origin, veterans' status, genetic information, or disability of race, sex, religion, national origin, age, physical handicap, marital status, or sexual or affectional preference, he or she may file a grievance with the Faculty Hearing Committee. (See Art. X.I. for procedures.)

5. Academic Freedom for Administrative Personnel Holding Faculty Status

The foregoing regulations apply to administrative personnel who hold faculty status and rank, but only in their capacity as faculty members. All other unclassified academic administrators who allege that a violation of academic freedom or improper discrimination contributed to a decision to terminate their appointment to an administrative post, or not to reappoint them, are entitled to the procedures set forth in Section IV.A.

6. Political Activities of Faculty Members

As responsible and interested citizens in their community, faculty, staff and unclassified administrators of the College should fulfill their civic responsibilities and are free to engage in political activities.

The College policy related to such matters is that the holding of county, municipal and other local offices is generally permitted. However, the holding of such an office must not conflict with the performance of the faculty member's assigned College duties. If, at any time, it appears that there is a conflict or substantial interference with assigned duties, the College has the right to claim a conflict of interest or substantial interference and request that the faculty member either resign the political post or take leave without pay from the College. Further, this also applies if any of the political duties give the officeholder an exercise of control over the College or any of its activities through financial support, direction of academic research, extension functions or employment of personnel.

Where a faculty or staff member seeks county, state or federal government political office, he or she must discuss said candidacy with the Provost before becoming a candidate. The purpose of this discussion is to try to determine, in advance, whether a conflict of interest or substantial

interference with assigned duties would result. If it is determined it would, the Provost will recommend to the President that the candidate be granted leave without pay for the duration of an election campaign and/or term of office before the date of officially taking office. The terms of such leave of absence will be set forth in writing and the leave will not affect unfavorably the tenure status of a faculty member, except that time spent on such leave will not count as probationary service unless otherwise agreed to. (See "Statement on Professors and Political Activity," AAUP Bulletin 55 [Autumn 1969]: pp. 388-89.) The President has the sole discretion to accept or reject the request for a leave of absence.

7. Academic Freedom for Graduate Students

In no case will a graduate or teaching assistant be dismissed without having been provided with a statement of reasons and an opportunity to be heard before a duly constituted committee. (A dismissal is a termination before the end of the period of appointment.) A graduate or teaching assistant who establishes a prima facie case to the satisfaction of a duly constituted committee that a decision against reappointment was based significantly on considerations violative of academic freedom, or of governing policies against improper discrimination as stated in Section IV.A (above), will be given a statement of reasons by those responsible for the non-reappointment and an opportunity to be heard by the Faculty Grievance Committee.

8. Other Academic Staff

1. In no case will a member of the academic staff who is not otherwise protected by the preceding regulations which relate to dismissal proceedings be dismissed without having been provided with a statement of reasons and an opportunity to be heard before a duly constituted committee. (A dismissal is a termination before the end of the period of appointment.)
2. When a member of the academic staff feels that his/her non-reappointment is the result of a violation of academic freedom or discrimination (see Sections IV.A and IV. C), the individual may bring the matter before the Faculty Hearing Committee. If the committee finds that the facts, as preliminarily stated in the grievance, indicate that either a violation of academic freedom or discrimination significantly contributed to this non-reappointment, then the individual will be provided a statement of reasons for the non-reappointment by the individual or department responsible for the non-reappointment. Thereafter, the individual will also be provided a reasonable opportunity to have this grievance heard by the committee.

V. TERMS AND RECORDS OF FACULTY AND UNCLASSIFIED ADMINISTRATOR APPOINTMENTS

A. The College Equal Opportunity/Affirmative Action Policies, Regulations and Procedures

1. The Policy in Force

It is the policy of the College to promote and protect a learning and living environment where civil discourse, respect for the individual and appreciation for the diversity of human experiences are valued as compelling academic interests. Accordingly, it is a violation of the College's policy on the *Prohibition of Discrimination and Harassment* for any member of the College community to discriminate or harass students or employees, or applicants for admission to the College or applicants for any College employment position, based on gender, sexual orientation, gender identity or expression, age, race, color, religion, national origin, veterans' status, genetic information, or disability, as proscribed by law and as further described in the policy referenced here. In addition, discrimination against members or potential members of the United States uniformed services, as proscribed by the Uniformed Services Employment Rights Act (USERRA), is also prohibited under our policy. Retaliation against any person arising from the good faith reporting of suspected violation of this policy, or for participating in an investigation of discrimination under this policy, is strictly prohibited.

Full policy on the *Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse*, is available at the College's policy website at policy.cofc.edu.

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2. Role of the Office of Equal Opportunity Programs

Responsibilities of the Office of Equal Opportunity Programs are outlined in the full policy on Prohibition of Discrimination and Harassment and include the responsibility to prepare and submit such affirmative action plans and reports as may be required under the laws of South Carolina. Prior to the submission of any such Plan, however, it shall be submitted for approval to the Vice President of Human Resources and the President's Executive Team. (Rev. July 2016)

3. Search, Screen and Selection Process for the Appointment of Instructional Faculty, Library Faculty and Unclassified Administrators

All administrative units and academic departments shall follow a search, screen and selection process, and use the forms provided by the Office of

the Provost and the Office of Equal Opportunity Programs to ensure equal opportunity in accordance with the hiring policies of the College and its affirmative action program. (Rev. July 2016)

4. Recruitment and Promotion Process for Classified Administrators, Staff and Other Employees

All administrative units and academic departments shall follow a search, screen and selection process, and use the forms provided by the Office of Human Resources to ensure the implementation of the College's Affirmative Action and Equal Employment Opportunity policies when hiring classified administrators, staff and other employees.

B. Contracts of Untenured Faculty and Unclassified Academic Administrators

1. Role of the President and of the Provost in Appointments

The President, in keeping with the By-laws of the Board of Trustees, retains the power of approval of all initial appointments, renewals of appointments, promotions in rank, compensation, conferrals of tenure and termination of faculty members and unclassified academic administrators. The Provost, acting in accordance with the provisions stated in this Faculty/Administration Manual, is responsible for making the final recommendation to the President in respect to all faculty and unclassified academic appointments.

2. Terms and Conditions of Appointment³

- a. Before an initial appointment is completed, the precise terms and conditions of the appointment of an instructional faculty member, librarian or unclassified academic administrator of the College of Charleston will be placed in the files of the department, of the appropriate school Dean, of the President's and Provost's respective offices.
- b. Any subsequent extensions or modifications of an appointment will be stated or confirmed in writing, and a copy of the document will be given to the faculty member or academic administrator and placed in the files noted above. Renewal contracts for instructional faculty members are normally issued from August 16 to May 15; for librarians and unclassified academic administrators from July 1 to the following June 30.

³ This section is based directly upon and quotes extensively from the 1982 Recommended Institutional Regulations on Academic Freedom and Tenure, 1. Statement of Terms of Appointment, p.15a. This document is hereafter referred to as 1982RIR.

- c. Generally faculty appointments are either tenure-track or with tenure. All other appointments are special in status and described in paragraph e (below).
- d. In accordance with South Carolina law, all faculty members of the College will receive a letter from the College notifying them if they have reasonable assurance of their employment for the following academic year.
- e. Special status appointments include adjunct, visiting, instructor, Senior Instructor and other faculty titles and ranks and the reappointment of retired members on special conditions. These appointments are made for fixed terms of limited duration and are neither tenure-track or with tenure. The terms and conditions of an appointment with Special Status may be provided by contract or by letter of appointment. With the exceptions of the ranks of instructor and Senior Instructor, no obligation exists on the part of the College to evaluate such a special appointee with a view to continued employment past the end of the fixed term, nor to give any notice in respect of such an intention. A special appointment terminates automatically upon expiration of the fixed term.
- f. All academic administrative appointments are “at the pleasure of the President” but are normally 12-month renewable appointments.

C. Faculty and Unclassified Administrator Records

Official personnel records are maintained in three areas: the Office of Human Resources, the Provost’s office and the appropriate office of the Deans. The Vice President of Human Resources is required to maintain state employee records for all College personnel, including academic personnel. The State Human Resources Regulations⁴ specify that the official individual personnel file shall include but not necessarily be limited to the following:

- 1. employment application;
- 2. all human resources actions reflecting the employee’s work history with the agency
- 3. documentation directly related to the employee’s work record; and
- 4. all performance evaluations.

This official individual personnel file shall be available for the faculty member’s or administrator’s review upon his/her request.

⁴ State Human Resources Regulation 19-720 “Recordkeeping.”

The Office of the Provost also maintains files on each faculty member and unclassified academic administrator. The Executive and Senior Vice Presidents maintain files on all unclassified administrators in their areas. These files shall include but are not limited to the following:

1. Curriculum vitae;
2. Evidence of accuracy of the curriculum vitae (academic credentials validated by appropriate documentation);
3. Contract and/or letter of initial employment;
4. Job description for unclassified administrators;
5. Letter authorizing sabbaticals or other leaves of absence;
6. Copies of recommendations and action on tenure, promotion, and third-year evaluation;
7. Copies of annual salary letters;

The appropriate Academic Dean or Dean of Libraries will maintain copies of annual and third-year evaluations and correspondence relating to professional development, honors and College employment.

D. Probationary Appointments for Tenure-track Faculty⁵

Any appointment of a faculty member to a tenure-track position is considered probationary since the individual has not yet fulfilled the required conditions to be considered by his or her peers and the administration for continuous appointment; i.e., for tenure.

1. Crediting of Prior Experience Toward Fulfillment of Probationary Period

At the College of Charleston probationary appointments are for one year, subject to renewal. Unless stated otherwise in the initial contractual letter of appointment to any rank sent to an instructional faculty member or librarian, the probationary period before the individual is considered for tenure is six years. Credit may be granted for a faculty member's full-time service at other institutions of higher learning. The number of years of credit for prior service normally will not exceed two years even though the faculty member's total probationary period in the academic profession is thereby extended beyond the normal maximum of six years. The initial letter of appointment will state the years of prior service that will be

⁵ This section is based directly upon and quotes extensively from the 1982 RIR, 2. Probationary Appointments, p.22

counted toward fulfillment of the probationary period and the year in which he/she will be considered for tenure.
(Rev. April 2007)

Librarians appointed to the College Library with three or more years of service in other libraries but who do not yet evidence appropriate records of activity in professional growth and development and/or institutional or community service will be given less than maximum credit in order to have more time to prepare for tenure review.

A period of scholarly leave of absence up to one year may count as part of the probationary period as if it were prior service at another institution. The faculty member, the Department Chair, the Dean, the Provost and the President will agree in writing to this provision at the time the leave is granted.

2. Information Relating to Standards and Procedures of Renewal, Tenure and Promotion

The instructional faculty member or librarian will be advised at the time of the initial appointment to review the sections of this Faculty/Administration Manual describing the substantive institutional standards and procedures generally employed in decisions affecting renewal and the granting of tenure and to discuss these with the Department Chair (or Dean of Libraries). Any special standards adopted by the faculty member's department will be transmitted by the Department Chair (or Dean of Libraries) at the time of appointment and be reviewed, together with the institutional standards, during the annual evaluation of the member by the Chair. The faculty member will be advised of the time when decisions affecting renewal or tenure are ordinarily made, and will be expected to submit material that he or she believes will be informative.

3. Procedure for Considering Non-Renewal of a Faculty Member Including Instructors in First or Second Year of Probationary Appointment

From time to time it is important to the welfare of students or faculty in a department for a faculty member to be terminated at the end of a first-year or second-year appointment. Since state legislation (South Carolina Code of Laws, Section 8-17-380) provides that non-renewal of a one-year contract at the end of the contract period is not grievable, such terminations are not in violation of the terms of employment. Nonetheless, since terminations based on discriminatory intent, violations of academic freedom, or inadequate consideration are all grievable under other provisions of the South Carolina Code, federal law, and/or this Manual, all decisions to terminate probationary appointments at the end of the first or second year must be accompanied by written notification of

cause. Such notification is necessary to establish that the grounds for termination are indeed not grievable.

If the Chair or any other tenured member believes that non-renewal is appropriate, the Chair should convene the tenured faculty for a discussion of the chair's proposed action, and seek to reach group agreement. If a consensus cannot be reached, the Chair will present in writing to the Dean the various positions represented by the group within the department as well as his/her position. The decision on whether to terminate or continue will rest with the Chair unless the Dean has serious reservations. In such a situation, the Provost will review all of the pertinent information and, after discussing the case with the Chair and the Dean, will rule on which action is to be taken.

In the case of individuals in their first (second) year of probationary appointment, individuals must be notified by March 15 (December 15) if their contract will not be renewed at the end of the contract year. Except under exceptional circumstances, a new faculty member credited with two years or more probationary time should be given at least one year's notice in the event his or her contract is to be terminated.

After a decision has been reached, the Chair should notify the Provost at least two weeks before the dates specified in the Faculty/Administration Manual so that the Provost can inform a first or second year faculty member that he/she will not be given a contract for the following year.

The College is under no obligation to reappoint any untenured faculty member at the expiration of the contract year. But termination decisions for probationary faculty must be accompanied by written notification of the reasons for termination.

4. Employment of Faculty Who are Not United States Citizens

All faculty members who are not United States citizens must hold a valid visa or permanent alien registration card at all times while employed by the College of Charleston. This is a condition of employment and faculty members who do not comply with this condition are subject to termination.

E. Unclassified Administrators

1. Annual Evaluation of Administrators: The evaluation of College of Charleston unclassified administrators takes place annually. Evaluation processes vary depending on the nature and conditions of the administrative appointment. The President is evaluated by the Board of Trustees.

2. Dismissal for Cause: Dismissal of an administrator prior to the end of an employment contract term shall be only for adequate reason (cause) and may be grieved using the procedure in Section 3 which follows below. The following adequate reasons for termination of a contract before the end of a contract term are the same as those described for faculty in Art. VII.C.
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 Supervisor⁶
 - (a) Within 10 working days of the act complained of, the administrator or faculty member should present

⁶ 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

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 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

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.

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.⁷
- (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

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.⁸
 - (ii) Procedure⁹
 - (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.

⁷ South Carolina Code Section 8-17-380.

⁸ South Carolina Code Section 8-17-380.

⁹ The Board of Trustees passed this policy in January 1985.

- (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.

VI. EVALUATION OF FACULTY

D. Procedures for Third-Year Evaluation, Tenure and Promotion of Instructional and Library Faculty

1. Introduction

The third-year evaluation is a significant decision point in a faculty member's career at the College of Charleston. The result of the third-year evaluation is a decision whether to reappoint a faculty member. For a faculty member with two years of credit toward tenure, a third-year evaluation will take place in the fall semester of the third year, and the evaluation for tenure will take place in the fall of the fourth year. For a faculty member with one year of credit toward tenure, a third-year evaluation will take place in the fall semester of the third year, and the evaluation for tenure will take place in the fall of the fifth year.
(Rev. April 2007)

Candidates hired at mid-year will undergo the third-year review during the fall semester of the third academic year, and the evaluation for tenure will take place during the fall semester of the sixth academic year. The evaluations for third-year review and for tenure will be adjusted accordingly for candidates hired at mid-year and granted credit for prior experience.
(Ins. April 2007)

Tenure and promotion are awarded to eligible faculty at the College of Charleston for meritorious achievement in the three areas of teaching (for library faculty, "professional competence"), research and professional development, and service. Tenure is awarded to faculty to assure that they have freedom in teaching, research and extramural activities and a sufficient degree of economic security to make teaching at the College of Charleston attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and society.¹⁰

After the expiration of a probationary period, which is stated in the initial employment and is normally six years (some faculty are hired with up to two years credit for teaching in other institutions of higher education), faculty should become eligible for consideration for tenure and, upon its reward, should be terminated only for adequate cause.
(Rev. April 2007)

¹⁰ "On Academic Freedom and Tenure," (AAUP 1940 Statement of Principle, readopted 1982)

Eligibility requirements and nomination procedures are described in Section VI.A. Candidates are reminded that these time-in-rank requirements are minimal. The established criteria for promotion to the various ranks are also minimal requirements. In particular, faculty are encouraged to seek promotion to professor when they feel confident about their eligibility and performance, not merely because minimal requirements are met.

By August 15, each Department Chair should provide the appropriate Academic Dean and the Provost with a list of faculty members to be considered. The Dean of Libraries should provide a list of eligible library faculty members to the Provost.
(Rev. April 2007)

The faculty member undergoing third-year evaluation must prepare and submit a packet of evidence to demonstrate that he/she met the standards and criteria for this level of evaluation during his/her first two years at the College.

2. Preparation and Submission of the Faculty Member's Contribution to the Packet

A faculty member shall submit to the Chair of the Departmental Evaluation Panel by the announced deadline a packet containing a current curriculum vitae and evidence assembled to demonstrate that the standards and criteria have been met. The review process begins once the faculty member's contribution to the packet has been formally submitted for departmental evaluation.

3. Standards, Criteria and Evidence. See Faculty/Administration Manual, Art. VI, Sect. A (for Tenure-Track and Tenured Instructional Faculty), Sect. B (for Instructors and Senior Instructors) and Sect. C (for Library Faculty). (Rev. April 2011)

4. Composition of the Departmental Evaluation Panel

For each faculty member to be evaluated, an appropriate departmental evaluation panel will be formed to make a summary presentation to the appropriate Academic Dean or Dean of Libraries concerning the candidate. The Chair of the department will provide the appropriate Academic Dean with the names of the panel members and Chair as soon as possible. Any member of the department who is being considered for promotion will deliberately disqualify himself or herself from serving on his or her own panel or that of a colleague who is being considered for promotion to the same or higher rank within his or her department.

The Departmental Evaluation Panel will be composed of at least five tenured faculty members. All tenured departmental faculty will serve on the evaluation panel. Exceptions for faculty on sabbatical or leave are described in Art. X.A. The appropriate Academic Dean or Dean of Libraries may sit with the Departmental Evaluation Panel throughout the review process; however, he/she is not required to sit with the Departmental Evaluation Panel.

Where the department consists of five or more tenured faculty members, one tenured faculty member from outside the department shall be added to the panel. If a department is reviewing more than one candidate for tenure, promotion or third-year evaluation, the same individual from outside the department sits with the departmental panel members for all cases, unless the department has six or more candidates due for panel evaluation. In such cases, departmental members of the panel may appoint no more than two extra-departmental panel members to sit with the panel in different cases, with the cases divided such that a single extra-departmental panel member shall serve in all cases under review for the same rank. If a department's membership is such that the panel has fewer than five members, additional tenured members of the faculty, from related fields if possible, will be selected to give the panel a total membership of five. In all cases, each year vacancies in the evaluation panel will be filled by having the departmental members of the panel provide a slate of potential evaluation panel members to each of the candidates for third-year reappointment, tenure and promotion who will rank order the slate first to last. The slate will consist of at least five names or twice the number of positions on the panel to be filled (whichever is larger). The rankings of all candidates will be averaged and the panel will be completed by offering the positions to the highest ranked candidates until the panel is completed.
(Rev. August 2011; Rev. March 2012)

Where there are no members of the department eligible to serve on the panel, all members of the department will meet and select by majority vote a slate of 10 tenured faculty (from related fields if possible) and present it to the appropriate Academic Dean or Dean of Libraries. The appropriate Academic Dean or Dean of Libraries will appoint the five members of the panel from the slate and will designate one of the five to serve as the panel chair.

When unusual circumstances justify and where requested by the Department Chair, the evaluatee, the evaluation panel, the appropriate Academic Dean or Dean of Libraries or the Provost, the Provost may appoint an outside advisor to assist the evaluation panel in its task. Ideally, said advisor will be a tenured faculty member in the evaluatee's discipline from another institution of higher education.

After consultation with the evaluatee, Department Chair, all members of the panel, and the appropriate Academic Dean or Dean of Libraries, the Provost will define in writing the role and extent of participation in the process of their outside advisor and furnish copies to all parties.

5. Departmental Evaluation Panel Chair

If the Department Chair is a member of the panel, then he/she is the panel chair. If the Department Chair is not a panel member, the panel chair will be the senior departmental member serving on the panel. The senior departmental member is the one of highest rank who has held that rank longest while at the College. Because the Library does not have a Department Chair, the tenured Library faculty will elect a Departmental Evaluation Panel Chair.

6. Procedures of the Departmental Evaluation Panel

The departmental evaluation panel will base its recommendation on the following information:

- a. Faculty member's contribution to the packet assembled by the candidate himself/herself to provide evidence that he/she meets the criteria for teaching, research and development, and service.
- b. Letters by the departmental colleagues addressing whether the evaluatee has met the stated criteria. Normally, all tenured faculty members in a department, excluding the department chair, must provide colleague evaluation letters; however, any member of the department may submit a colleague letter, except that candidates do not write letters of evaluation on their departmental colleagues who are being evaluated for the same purpose. Colleagues should study thoroughly the candidate's contributions to the packet before writing their colleague letters. Colleague letters should be explicit and detailed and should address the criteria. To say "the candidate meets the criteria" is inadequate. College of Charleston personnel are to treat these colleague letters as confidential. They shall be available only to those authorized to use them as part of the evaluation process.
(Rev. April 2007; Rev. April 2012)
- c. Student Rating Averages from all courses evaluated and Summary Ratings for all courses in the Department or Program. (Normally, course evaluation ratings are included by the candidate in the packet; however, some or all of these documents may be provided

by the department chair in the event the candidate is unable to do so.) (Rev. April 2007)

- d. Letters of evaluation from extra-departmental College of Charleston colleagues and, where appropriate, from colleagues at other institutions familiar with the candidate's teaching, and/or research and professional development, and/or service; these letters are solicited by the department chair at the request of the candidate.

An independent external review of the candidate's scholarly work by experts in the candidate's field of work is optional, and the required protocol for this review is included in Section VI.A.2.b.(2).

Extra-departmental colleague letters are optional for third-year review and may be requested by the departmental evaluation panel or the candidate.
(Rev. April 2007)

- e. All annual evaluation narratives and rating letters, as well as any letters that the evaluatee has written in response to the annual evaluations.
- f. Recent graduate evaluations addressing the criteria shall be solicited by the panel Chair. Each department shall have established procedures to be used by evaluation panels for the solicitation of recent graduate evaluations. A written statement of this procedure shall be on file in the appropriate Academic Dean and the Provost's office. Recent graduate evaluations are optional for Third-Year Review and may be requested by the departmental evaluation panel or the candidate.
(Rev. April 2007)
- g. A personal interview of the candidate by the department evaluation panel.
- h. Such other data and interviews as the panel feels would be valuable.

7. Reporting Procedures of the Departmental Evaluation Panel

After due deliberation, the panel shall take its vote by written ballot. The chair shall draft a statement for the members of the panel to sign that reports the recommendation and vote of the panel. This statement should include justification for the panel's recommendation. While maintaining

the confidentiality of any meetings, the statement will summarize the discussion that took place among panel members, including positive and negative deliberations.

The chair of the panel shall meet with the faculty member being evaluated to provide the faculty member with a copy of the panel's written statement, which shall include actual vote splits and the signatures of all the panel members. The signatures of the panel members acknowledge only that the panel members participated in panel deliberation and had the opportunity to contribute to the development of the written statement. The faculty member shall sign a copy of the statement, with the signed copy to be retained by the chair of the panel for submission to the appropriate Academic Dean. The signature of the faculty member acknowledges only that a copy of the statement has been received by the faculty member. (Rev. April 2009)

If the panel's written statement provided to the candidate contains an error of fact, the panel chair may correct this error through an addendum to the original panel statement (with notice to the candidate) or the candidate may provide a written correction for the inclusion in the packet for consideration at higher levels of review within five working days of the provision of the recommendation. The written correction should be forwarded to the Dean with a copy to the chair of the departmental panel. The written correction should not address matters of professional judgment and cannot alter the record presented in the packet or submit new evidence.¹¹ (Ins. Apr. 2012)

The panel chair shall forward the panel's statement to the appropriate Academic Dean by the announced deadline. In the case of tenure and promotion recommendations, this deadline is typically at the end of October. In the case of third-year reappointment recommendations, this deadline is typically near mid-January. (Rev. Apr. 2007; Rev. Apr. 2009)

8. Dean's Role for Third-year Candidates

The appropriate Dean shall review the faculty member's packet and the departmental evaluation panel's recommendation. Information concerning factual matters of the record necessary for the determination of a recommendation may be requested by the Dean from the Departmental Evaluation Panel Chair or through that chair to the candidate. Requests

¹¹ This and other changes in procedure to allow for the correction of errors of fact, in place since AY2012-13, will be reviewed every three years by Academic Affairs in consultation with the Advisory Committee on Tenure, Promotion, and Third-Year Review and the Faculty Welfare Committee to assess the extent and appropriateness of their use. These groups will jointly report this analysis to the Faculty Senate.

should be written and responses should be brief and also in writing, addressing only the requested issues, and shall become part of the packet. The Dean shall interview each candidate.
(Rev. Apr. 2009; Rev. Apr. 2012)

The Dean shall provide the candidate and the chair of the departmental panel a copy of his/her assessment of the merits of the case and recommendation to the Provost. The Dean shall submit his/her recommendations in writing to the Provost and forward all materials to the Provost's Office by the announced deadlines, which are typically at the end of January.
(Rev. Apr. 2009; Apr. 2012)

9. Dean's Role for Tenure and Promotion Candidates

The appropriate Dean will review the evaluation panel recommendations and the candidate's packet. Information concerning factual matters of the record necessary for the determination of a recommendation may be requested by the Dean from the Departmental Evaluation Panel Chair or through that chair to the candidate. Requests should be written and responses should be brief and also in writing, addressing only the requested issue, and shall become part of the packet. The Dean may choose to interview candidates.
(Rev. Apr. 2007; Rev. Apr. 2009; Rev. Apr. 2012)

The Dean will provide the candidate and the chair of the departmental panel a copy of his/her assessment of the merits of the case and recommendation to the Provost. The Dean shall provide her/her recommendations in writing to the Provost and forward all materials to a designated room for review by the Provost and the Advisory Committee on Tenure, Promotion, and Third-year Review by the announced deadlines, which are typically at the end of November.
(Rev. Apr. 2007; Rev. Apr. 2009; Rev. Apr. 2012)

10. Correction of Errors in Dean's Recommendation

If a recommendation provided to the candidate by a Dean contains an error of fact, the Dean may correct this error through an addendum to his/her original letter of recommendation (with notice to the candidate and chair of the departmental panel) or the candidate may provide a written correction for the inclusion in the packet for consideration at higher levels of review within five working days of the provision of the recommendation. The written correction should be forwarded to the Associate Provost for Faculty Affairs with a copy to the Dean and chair of the departmental panel. The written correction should not address matters

of professional judgment and cannot alter the record presented in the packet or submit new evidence.¹²
(Ins. April 2012)

11. Faculty Advisory Committee Action

The Provost shall make packets of all candidates for tenure and promotion available to the members of the Advisory Committee on Tenure, Promotion and Third-Year Review. The Faculty Advisory Committee shall provide the candidate, chair of the departmental panel, Dean, and Provost a copy of their assessment of the merits of the case and recommendation to the President by the announced deadlines.
(Rev. Apr. 2012)

The Committee shall also review third-year candidates on all negative departmental recommendations or if requested to do so by the candidate, any member of the departmental panel, the appropriate Dean or the Provost. In cases where either the Dean's recommendation or the departmental evaluation panel vote is negative, the Dean shall refer the case to the Faculty Advisory Committee for their recommendations. The Provost and the Faculty Advisory Committee shall interview each candidate for third-year reappointment when the appropriate Academic Dean or Dean of Libraries recommendation is different from the Departmental Evaluation Panel or the Departmental Evaluation Panel vote is negative. The Faculty Advisory Committee's recommendations in cases where they act shall be submitted in writing to the President by the announced deadlines.
(Rev. Apr. 2009; Rev. Apr. 2011)

Information concerning factual matters of the record necessary for the determination of a recommendation may be requested by the Chair of the Advisory Committee from the Dean, Departmental Evaluation Panel Chair, or through that chair to the candidate. Requests should be written and responses should be brief and also in writing, addressing only the requested issue, and shall become part of the packet. Both the request for information and the response should also be sent, for information, to levels of review between the Advisory Committee and the responding body.
(Ins. Apr. 2012)

If a recommendation provided to the candidate by the Advisory Committee contains an error of fact, the candidate may provide a written correction for inclusion in the packet for consideration at higher levels of

¹² This and other changes in procedure to allow for the correction of errors of fact, in place since AY2012-13, will be reviewed every three years by Academic Affairs in consultation with the Advisory Committee on Tenure, Promotion, and Third-Year Review and the Faculty Welfare Committee to assess the extent and appropriateness of their use. These groups will jointly report this analysis to the Faculty Senate.

review within five working days of the provision of the recommendation. The written correction should be forwarded to the Associate Provost for Faculty Affairs with a copy to the chair of the Advisory Committee, the Dean and the chair of the departmental panel. The written correction should not address matters of professional judgment and cannot alter the record presented in the packet or submit new evidence.¹³
(Ins. Apr. 2012)

12. Provost's Recommendation for Tenure and Promotion Candidates

After the Advisory Committee has made its written recommendation to the President, the Provost may interview the candidate as part of his/her independent evaluation of the candidate. The Provost's recommendation shall be submitted in writing to the President by the announced deadlines. In all cases in which the Provost's recommendation is negative or reverses an earlier decision, the Provost will provide a copy of his/her recommendation to the candidate, chair, Dean, and chair of the Advisory Committee simultaneously with notice to the candidate of the President's decision.
(Rev. Apr. 2009; Rev. Apr. 2012)

13. President's Decision

The President shall make a final determination within ~~2-weeks~~eleven working days after she/he receives recommendations from all of the following: the department evaluation panel, the appropriate Dean, the Faculty Advisory Committee, and the Provost. All such recommendations shall be submitted to the President no later than March 1 of each year.¹⁴ In addition to these recommendations, the President shall also have access to, and may consider, other materials used by any or all of the foregoing during the course of their respective evaluations. Once a final decision is made by the President, and within the 2 weeks after the last recommendation is received by her/him, the President shall inform the candidate, the Provost, the Dean, and the evaluation panel chair in writing, of her/his decision.
(Rev. Apr. 2009)

¹³ This and other changes in procedure to allow for the correction of errors of fact, in place since AY2012-13, will be reviewed every three years by Academic Affairs in consultation with the Advisory Committee on Tenure, Promotion, and Third-Year Review and the Faculty Welfare Committee to assess the extent and appropriateness of their use. These groups will jointly report this analysis to the Faculty Senate.

¹⁴ Deadlines for earlier stages of the review process are prior to March 1 and are announced by Academic Affairs each year.

13. Appeal to the Faculty Hearing Committee

- a. A denial may only be appealed to the Faculty Hearing Committee when the faculty member alleges that the denial was based upon any of the following three grounds:
 - i. Discrimination, defined as differential treatment based upon gender, sexual orientation, gender identity or expression, age, race, color, religion, national origin, veterans' status, genetic information, or disability upon race, religion, sex, national origin, color, age or handicap¹⁵; or,
 - ii. Violation of academic freedom, as it relates to freedom of expression; or,
 - iii. Violation of due process, as provided in the College's published rules, regulations, policies and procedures.
- b. The appeal shall be heard as a grievance before the Faculty Hearing Committee, and the faculty member should follow the procedures of that committee in requesting a hearing. The notice requesting a hearing before that committee must be filed within 20 fifteen working days of receipt of the President's written decision.
- c. The President's decision will be made within 10 working days after ~~he/she reviews~~receipt of the recommendation of the Faculty Hearing Committee.

14. Discretionary Appeal to College of Charleston Board of Trustees¹⁶

- a. The President's decision in cases heard by the Faculty Hearing Committee may be appealed to the College of Charleston Board of Trustees. The decision as to whether or not to accept the appeal is within the sole discretion of the Board.
- b. When an appeal to the College of Charleston Board of Trustees is sought, the faculty member must file a Notice of Appeal within 10 working days of receipt of the President's decision. This Notice must be in writing and sent to the Chair of the Board, with a copy to the President. The Notice of Appeal must identify the issues to be raised in the appeal and the grounds for the appeal.

¹⁵ South Carolina Code Section 8-17-320 (6). NOTE: Need to correct or remove this footnote.

¹⁶ The College of Charleston Board of Trustees passed this policy concerning appeals by faculty members in January 1985. This list was updated in August 2017 to reflect the College's policy *Prohibition of Discrimination and Harassment.*

- c. If the Board decides to hear the appeal, the Chair of the Board will establish a reasonable timetable for disposition of the appeal, which will be communicated to all parties.
- d. At the Chair's discretion, appeals will be heard by the entire Board or by a committee of not less than three Board members appointed by the Chair for that purpose.
- e. Appeals will be heard on the record established in the Faculty Hearing Committee. The Board shall have available for its review all tape recordings, statements, documents and evidence accumulated during the appeal process. Briefs and oral arguments will be permitted but are not required. Oral arguments may be made by the parties or by their attorneys.
- f. The Board shall submit its decision in writing to the President and the faculty member. The decision of the Board is final.

15. Disposition of Packet Material

When the evaluation process has resulted in a positive decision, within three months of that decision the packet materials submitted by the faculty member shall be returned to the faculty member; colleague letters will be returned to the authors; and recent graduate evaluation forms will be returned to the Department Chair.

When the decision is negative, the Provost will retain the originals of all packet materials for five years. A faculty member may request and receive from the Provost a copy of his/her contribution to the packet.

E. ...

F. ...

G. ...

H. Post-Tenure Review

1. Introduction

A post-tenure review will be conducted for each tenured faculty member during the sixth year since her/his previous extra-departmental review (tenure and/or promotion or post-tenure review).

2. Rating of Candidates

a. Ratings of a candidate will take one of three forms:

(1) Superior Rating

The superior rating is awarded to candidates who continue to perform at the level expected for the promotion to the rank of Professor, or Librarian IV, in accordance with the standards of the Faculty/Administration Manual.

(2) Unsatisfactory Rating

Candidate has exhibited evidence of habitual neglect of duty, which means consistently and regularly failing to fulfill the terms and conditions of appointment, as laid out in the Faculty/Administration Manual's section on "Termination of Tenured Faculty Members 'for Cause' and Termination Procedure."

(3) Satisfactory Rating

All other candidates.

b. Presumption of Satisfactory Performance

The Post-Tenure Review Committee operates on a presumption of satisfactory performance. That is, the burden of proof (clear and convincing evidence) for a superior performance lies with the candidate, and the burden of proof for an unsatisfactory performance, including with completion of a remediation plan, lies with the department chair (or department post-tenure review panel). The Post-Tenure Review Committee can request additional information at any time during their deliberations.

3. Forms of Post-tenure Review

Consideration for Satisfactory Rating

For a tenured faculty member who wishes to be considered for a satisfactory rating, in the spring semester of the sixth year following the previous extra-departmental review, the chair will review with the faculty member his or her performance evaluations over the last six years, including any evaluation completed in the sixth year. Following the discussion with the faculty member, the chair will discuss his or her overall summary of those performance evaluations with the dean.

A faculty member who has received two or more unsatisfactory ratings in teaching (or, for a librarian, two or more unsatisfactory ratings in professional competence) over that six-year period will be deemed to have received an unsatisfactory rating for Post-Tenure Review. Otherwise, the faculty member will receive a rating of "satisfactory." Formal written notice from the chair to the faculty member, dean and Post-tenure Review Committee of an unsatisfactory rating and need to develop a remediation plan will take place by March 15 of each academic year.

Application for Superior Rating

A faculty member at the rank of Professor or Librarian IV is eligible to apply for a superior rating in the fall of the sixth year following a successful extra-departmental review (promotion to professor, or a superior rating on a post-tenure review), provided the faculty member has not received two or more ratings of unsatisfactory in teaching (or professional competence) since the last extra-departmental review. The "superior rating" is awarded to candidates who continue to perform at the level expected for the promotion to the rank of Professor, or Librarian IV, in accordance with the standards of the Faculty/Administration Manual.

In the event that a candidate who is eligible for and has applied for a superior rating fails to receive that rating at a level of review, a rating of satisfactory will be assigned at that level of review.

4. Deferments

- a. Faculty members may petition the Post-Tenure Review Committee for the postponement of their post-tenure reviews based on extenuating personal circumstances, exceptional professional commitments, or valid medical reasons which must be documented in the petition. Petitions must be endorsed by the faculty member's chair and dean. Postponements will be approved only under extraordinary circumstances and will not normally extend more than one academic year. Decisions by the Post-Tenure Review Committee regarding deferments may be appealed to the Provost within one week of the candidate's notification. The Provost's decision shall be final.
- b. A faculty member who announces his/her decision to retire within three years of their scheduled time for post-tenure review (by submission of a letter to the dean of his/her school and the Provost) may choose not to undergo that review. However, if a faculty member postpones the announced time of retirement for more than one year, he/she will be evaluated in the year of that postponement.

- c. A faculty member scheduled for post-tenure review in a given year will not have to undergo that review if he/she petitions for promotion that same year.
 - d. Administrators who previously held 12-month faculty appointments, such as Deans, and are rejoining the ranks of the faculty will undergo post-tenure review within three years of their return to faculty status.
 - e. If a faculty member takes a sabbatical leave or a leave of absence in the same academic year he/she is scheduled for post-tenure review, the post-tenure review will take place during the following academic year, unless the faculty member decides to undergo the review at the originally scheduled time.
 - f. All petitions for a deferment or a waiver of post-tenure review due to an announced retirement must be addressed to the Post-Tenure Review Committee. All official communications regarding postponement or waivers of review will be issued by said committee.
5. Preparation and Submission of the Faculty Member's Packet in Application for Superior Rating
- a. A faculty member who wishes to be considered for a superior rating shall submit to his/her Department Chair by the announced deadline a packet of material that must include:
 - (1) Curriculum vitae.
 - (2) Statement from the candidate on teaching, research and service addressing accomplishments since the last review and future plans and goals.
 - (3) Annual performance evaluations by the department chair during the period under review. In the event that a department chair is being evaluated, the dean's annual evaluations of the chair will be included instead.
 - (4) Candidates seeking a superior rating must furnish two letters from intra- and/or extra-departmental peers concerning aspects of the candidate's teaching (or, for librarians, professional competency). The evaluation of teaching performance will include the peer review of class materials and/or peer observation of classroom performance by two senior faculty colleagues.

- (5) Computer-generated student teaching evaluations (summary pages with numbers) for all evaluated courses taught by the candidate during the period under review.
- (6) Candidates seeking a superior rating must also furnish clear evidence that they continue to perform at the level expected for the promotion to the rank of Professor, or Librarian IV, in accordance with the criteria of the Faculty/Administration Manual, as indicated in Sect VI.A.4.c. for instructional faculty and VI.C.4.d for library faculty. Evidence is to be compiled for the intervening period between promotion evaluation and/or post-tenure reviews.

- b. A late packet will not be considered for a superior rating except in extraordinary circumstances. A letter must accompany the packet to explain these circumstances.

(Rev. Apr. 2009, Rev. Dec. 2011)

6. Recommendations by the Department Chair or Panel and the Dean

Post-tenure review is normally conducted by the department chair. A departmental post-tenure review panel will be convened only in the case of post-tenure review of the department chair. When the department chair herself/himself is up for post-tenure review, the most senior tenured member of the department (other than the chair) will convene, and chair, a departmental post-tenure review panel consisting of three tenured faculty members (including the panel chair). Panel members will normally be drawn from the home department according to seniority. When necessary to complete the panel, additions will be drawn, following the same criteria, from departments with related areas of study. The panel may not include chairs from external departments. No tenured faculty member concurrently subject to post-tenure review may serve on this panel. The panel will exercise the same responsibility with respect to the department chair's candidacy that the chair exercises in all other cases. This departmental panel will also review all other cases coming up for post-tenure review at the same time as the department chair. The chair or departmental panel will recommend a rating for the candidate's performance.

In the case of a candidate requesting a superior rating, the department chair (or the departmental panel) shall forward to the candidate's dean by the announced deadline the candidate's packet with a letter justifying the chair's (or panel's) concurrence or failure to concur with the candidate's

self-evaluation. At this time a copy of the letter shall be forwarded to the candidate. Should the rating of the chair (or departmental panel) be satisfactory rather than superior, the candidate may forward a letter of rebuttal to his/her dean and his/her department chair no later than five days before the first day of the beginning of the Spring Semester. The Deans will review packets and forward written recommendations to the Office of the Provost.

In the case of a candidate being considered for a satisfactory rating, the department chair (or the departmental panel) shall meet with the dean to discuss a summary of the candidate's annual performance evaluations. In addition, the chair or panel will forward to the candidate's dean a written statement that the candidate meets the criteria for a satisfactory rating or a brief summary of the ratings received on annual performance evaluations in the area of teaching and a statement that the candidate receives an unsatisfactory rating. At this time a copy of the letter shall be forwarded to the candidate, the Provost, and the Post-Tenure Review Committee. (Rev. Apr. 2009)

7. Recommendations to the President on Superior Ratings

- a. The Post-Tenure Review Committee shall review and forward its recommendations on applications for superior ratings to the Provost by the announced deadline, typically at the end of February. The Provost may make a recommendation and shall forward all recommendations to the President by the announced deadline. (Rev. Apr. 2009)
- b. The President shall make a final determination on superior ratings within 2 weeks after she/he receives recommendations from all of the following: the department chair (or the departmental panel chair), the appropriate Dean, the Post-Tenure Review Committee, and the Provost. All such recommendations shall be submitted to the President no later than March 1 of each year.¹⁷ In addition to these recommendations, the President shall also have access to, and may consider, other materials used by any or all of the foregoing during the course of their respective evaluations. Once a final decision is made by the President, and within the 2 weeks after the last recommendation is received by him/her, the President shall inform the candidate, the Provost, the Dean, and the department chair (or departmental panel chair), in writing, of his/her decision. (Rev. Apr. 2009)

¹⁷ Deadlines for earlier stages of the review process are prior to March 1 and are announced by Academic Affairs each year.

c. Merit Increase for Superior Rating

Whenever the President assigns a rating of superior, such a rating must be accompanied by a permanent merit increase in pay effective the academic year following the year of evaluation.

8. Remediation Plan for Unsatisfactory Rating

Whenever a candidate receives a rating of unsatisfactory under post-tenure review, the case will be remanded to the existing departmental post-tenure review panel, or a new one convened for the purpose (in the latter case, including the department chair and two other tenured departmental faculty members), to devise a remediation plan in consultation with the candidate. This plan must be approved by the dean and submitted to the college-wide Post-Tenure Review Committee for approval within twenty working days of the determination of an unsatisfactory rating. The Post-Tenure Review Committee must approve or, in consultation with the departmental panel, modify the plan within fifteen working days.

A component of this plan must involve full annual performance evaluations of the faculty member that address the remediation plan directly. As part of the annual performance evaluation, both the chair and the dean must describe in writing the faculty member's progress in meeting the goals of the remediation plan.

a. Ratification of remediation plan

Ultimate ratification of satisfactory completion of a remediation plan rests with the college-wide Post-Tenure Review Committee, as constituted at the time of the deadline originally assigned for completion of remediation, to the extent possible. In the event that the Committee concludes that the candidate has failed to complete the remediation plan to its satisfaction, the Committee will notify the candidate, the department chair or panel, the Provost, and the dean of the candidate's school that the Committee has concluded that proceeding for revocation of the candidate's tenure ought to be instituted, in accordance with the guidelines of the Faculty/Administration Manual.

9. Appeals

a. Appeal of decision on completion or remediation plan

A candidate wishing to appeal a decision of the Post-Tenure Review Committee that the candidate has failed to complete the

remediation plan to its satisfaction must submit a written appeal to the Faculty Hearing Committee within ten days of notification of this decision. The decision may only be appealed when the faculty member alleges the Committee's decision was based upon:

- (1) Discrimination, defined as differential treatment based upon gender, sexual orientation, gender identity or expression, age, race, color, religion, national origin, veterans' status, genetic information, or disability~~the race, religion, sex, national origin, color, age, or handicap~~; or
- (2) Violation of academic freedom as it relates to freedom of expression; or
- (3) Violation of due process as provided in the College's published rules, regulations, policies and procedures.

b. **Appealing a Satisfactory Rating**

A candidate who receives a satisfactory rating when having sought a superior rating and who alleges that the rating was based upon discrimination, violation of academic freedom or violation of due process may follow the appeals procedure outlined in Art. X.I.

If the candidate feels that the satisfactory rating received is incorrect due to reasons other than these reasons, a formal appeal is not allowed. However, the faculty member remains eligible to apply for a superior rating in subsequent years, without waiting for the next scheduled review

(Rev. Aug. 2014, Aug. 2016)

I.

VII. FACULTY DISCIPLINE, MISCONDUCT, AND TERMINATION

A. Policy Governing Termination

At the end of the probationary period, a faculty member's contract will either not be renewed or he/she will be granted tenure. If a faculty member accepts appointment with tenure, his or her service cannot be terminated except for adequate cause. (See Art. VII.C. for reasons specified by the South Carolina Code, the College of Charleston and the AAUP as adequate reasons for termination of a tenured faculty member and discussion of the termination procedure.) After two or more years of service at the College in a tenure-track position, written notice that a probationary appointment is not to be renewed will be given to a faculty member at least twelve months before the expiration of any appointment.

B. Discipline of Faculty Members

State Human Resources Regulations 19-717 govern the faculty as well as other employees of the College. If a faculty member fails to meet the standards set forth under Faculty Responsibilities to their Students, the Code of Professional Conduct or Statement of Professional Ethics, Faculty/Administration Manual (Art. IV.B, Art. VIII.A), disciplinary action will be taken. Disciplinary action will, in normal circumstances, be preceded by an oral, then a written, reprimand from the Department Chair, Dean and/or appropriate administrative officer describing the alleged problem and warning that the faculty member's contract status is in jeopardy. The warning must also stipulate a period of time within which correction of the alleged problems is expected. If the faculty member does not contest the allegation and fulfills his or her duties, the matter is settled. If the faculty member fails to correct the problem, further disciplinary proceedings may be initiated.

1. Sanctions

If the Provost believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, justifies imposition of a sanction, such as but not limited to a reprimand, a demand for restitution, a modification of duties, or a suspension without pay, the Provost shall notify the faculty member of the basis of the proposed sanction, and provide the faculty member an opportunity to persuade the Provost that the proposed sanction should not be imposed.

2. Assignment to New Duties in Certain Cases

If the Provost determines there is a strong likelihood that the faculty member's continuance in normal duties threatens immediate harm to that faculty member or to others, the Provost may assign the faculty member to

new duties. Assignment to these new duties shall persist only so long as the threat of harm continues, or until dismissal for cause occurs. Assignment to new duties in such a case is designed for the protection of the faculty member and/or other individuals and is not a sanction. Should charges made against a faculty be determined to be unfounded, the faculty shall be returned to her or his normal assignment.

3. Appeals

All matters of discipline may be appealed by faculty members either to the Faculty Grievance Committee or the Faculty Hearing Committee, depending upon the nature of the discipline imposed.

4. Implications for State Law, Policy, or Procedure

Should Faculty/Administration Manual provisions dealing with faculty discipline ever conflict with state law, policy, or procedure, the applicable state law, policy, or procedure shall prevail.

C. **Termination of Tenured Faculty Members “For Cause” and Termination Procedure**

1. Conditions Under Which A Tenured Faculty Member’s Contract Can Be Terminated

Until the retirement of the faculty member and subject to the procedure stated hereinafter, an appointment with tenure may be terminated by the College only for adequate cause. The following will be considered adequate cause for the termination of tenure:

- a. Demonstrably bona fide institutional contingencies such as curtailment or discontinuance of programs or departments;
- b. Financial exigencies that are demonstrably bona fide but only after giving the faculty member 12 months’ notice;
- c. Physical or mental inability to fulfill the terms and conditions of the appointment;
- d. Incompetence, neglect of duty, immorality, dishonesty, including but not limited to plagiarism, falsification of academic credentials or vitae, conduct unbecoming a faculty member, conviction of violating the criminal laws of any state or the United States, willful and repeated violations of College rules, regulations or policies. (Faculty Responsibilities to Students, Code of Professional Conduct, Faculty/Administration Manual Art. VIII.A, and

Statement of Professional Ethics, Faculty/Administration Manual
Art. IV.B.)

2. Termination Procedure

- a. Termination for cause of a tenure appointment shall be preceded by a written notice of proposed dismissal which states the reasons for the proposed dismissal and gives the faculty member an opportunity to be heard by the Faculty Hearing Committee. Formal written notice may be preceded by discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement.
- b. If the faculty member elects to have a hearing before the Committee, he/she must file a Notice of Grievance with the Chair of the Committee, with a copy to the President, within ~~twenty~~ fifteen working days (~~normally to exclude all College holidays and from the day after spring commencement through August 15~~) of receipt of the notice of proposed dismissal. The procedures followed by the Faculty Hearing Committee (see Art. X.I.) for all hearings will be followed, with the following exceptions:
 - (1) The burden of proof rests with the College, and the College representative will, therefore, present witnesses and evidence before the faculty member does.
 - (2) The standard of proof for finding adequate cause for termination shall be by clear and convincing evidence in the record considered as a whole.
 - (3) When termination is proposed because of incompetence, the College representative must present the testimony of qualified faculty members from the College and other higher education institutions.

The decision of the Committee is advisory to the President. The President's decision may be appealed to the Board of Trustees by means of the usual procedures for appeals of cases heard by the Faculty Hearing Committee (see Art. X.I). According to Board policy, no appeal may be made to the Board unless the faculty member has elected to have the charges heard by the Hearing Committee. Direct appeal to the Board is not available.

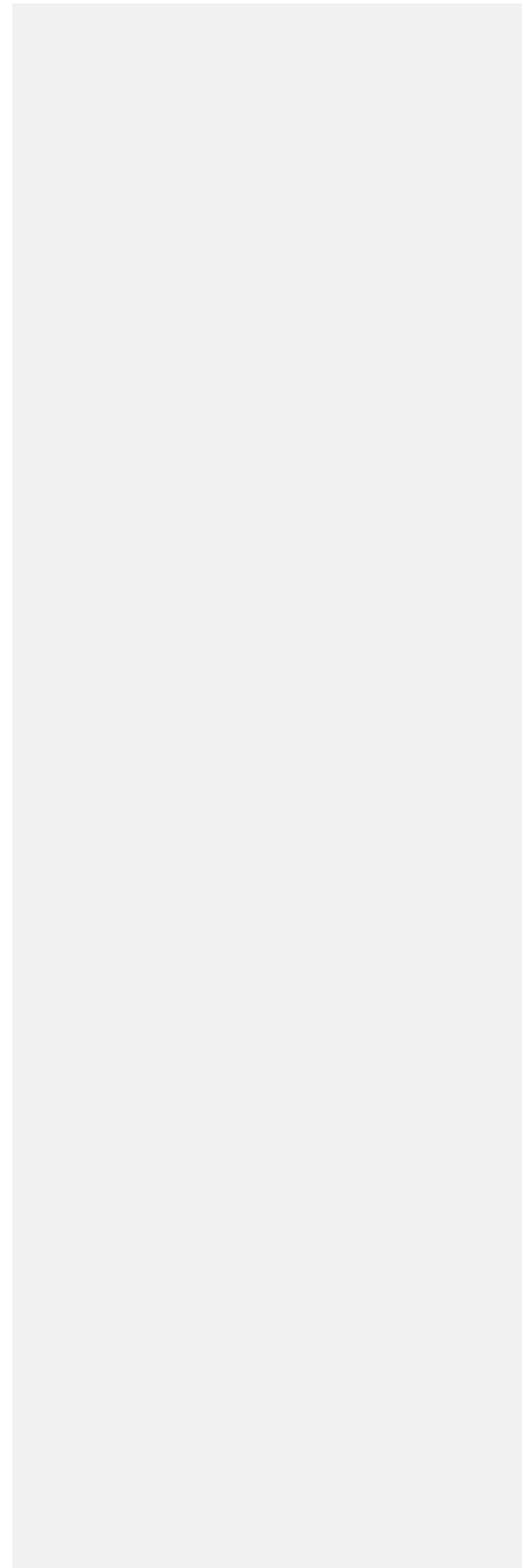
- c. If the faculty member does not elect to have the charges heard by the Faculty Hearing Committee, the President shall send the

faculty member a letter of dismissal, which shall contain the effective date of the dismissal.

- d. Until a final decision on termination of a tenure appointment is made, the faculty member concerned may be reassigned to new duties or suspended without pay. Suspension may be appealed to the Faculty Hearing Committee.

D. ...

|



I. Grievances Before the Faculty Hearing Committee

1. The following matters shall be proper subjects for a grievance to be heard by the Faculty Hearing Committee:
 - a. Notice of dismissal of a tenured faculty member.¹⁸
 - b. Notice of dismissal of an untenured faculty member before the end of his/her contract term.¹⁹
 - c. ~~Alleged d~~Discrimination in promotion, compensation, ~~promotion~~, or work assignment.²⁰
 - d. Alleged discrimination in denial of tenure or dismissal at the end of the contract term. Denial of tenure or dismissal at the end of the contract term on the basis of discrimination or violation of academic freedom, as it relates to freedom of expression.
 - e. Alleged violation of academic freedom.
 - f. Alleged violation of due process.
 - g. Election appeals.
 - e-h. Other matters referred by the President to the committee where a due process hearing is necessary.
2. Requesting a Hearing
 - a. A Notice of Grievance must be filed by the grievant faculty member with the Chair of the Faculty Hearing Committee, with copies to the President, Provost and the grievant's Department Chair, within ~~twenty-five~~ working days of the act complained of and shall contain the following information:
 - (1) the date of the act complained of and the name of the person or persons alleged to have been responsible for the act;²¹

¹⁸ South Carolina Code section 8-17-380

¹⁹ South Carolina Code section 8-17-380

²⁰ South Carolina Code section 8-17-380

²¹ If the grievance is based upon a Notice of Dismissal, a copy of the Notice or letter giving notice should be attached to the Notice of Grievance.

- (2) a clear, detailed statement of why the grievance ~~comes-falls~~ within the jurisdiction of the Faculty Hearing Committee;
- (3) a detailed description of evidence ~~tending-to-in~~ support of the position of the grievant;
- (4) the names of potential witnesses for the grievant, with a short statement of the subject matter of their potential testimony;
- (5) the specific remedial action or relief sought;
- (6) a brief summary of the results of previous discussions on the issues involved which the grievant has had with the person or persons responsible for the action complained of, if such discussions have been held; and
- (7) a preference as to whether a hearing, if held, is to be open to the public or closed to all except the committee and those involved in the hearing.²²

Failure to file a Notice containing this information within the specified time limitation shall be a waiver of grievance and of all rights under these procedures, absent a finding of good cause for a reasonable delay, as determined by the Hearing Committee.

- b. The committee will meet within ~~five-ten~~ working days after receipt of the Notice of Grievance by the Chair in order to determine whether the grievance has been properly and timely filed and whether the nature of the grievance is within the jurisdiction of the Hearing Committee. If the committee decides that the grievance should be heard, it shall set a date for the hearing, which must be held within ~~twenty-fifteen~~ working days of the committee meeting. The committee shall also decide, taking into account the preferences expressed, whether the hearing will be open or closed.
- c. Within two working days after the committee determines the matters set out in (b) above, the Chair shall notify in writing the grievant, the President, the Provost, and ~~where applicable,~~ the Department Chair, ~~if applicable,~~ of the decision of the committee as to whether or not the grievance will be heard.

²²The President and Provost may also express a preference for an open or closed hearing by informing the chair of the committee of the preference before the committee's first meeting.

- (1) If the decision is negative, the Chair will specify the committee's reasons for not hearing the grievance.
- (2) If the decision is positive, the Chair shall include in this written notice the date, time and place of the hearing and the committee's decision as to whether or not the hearing will be open or closed.

d. Within two working days of receipt of the committee's decision as to whether or not a hearing will be held, the Provost shall give written notice to the committee and the grievant of the name of the representative who will be representing the College at the hearing. The college representative may be any of the following persons, so long as he/she is not an attorney: the Provost, a Vice President, a Department Chair or any other member of the College community deemed appropriate by the Provost.

3. Pre-Hearing Procedures

- a. If the grievant intends to have counsel at the hearing, he/she shall notify the committee and the college representative within at least ten working days prior to the date of the hearing. Failure to so advise within this time period may result in a delay of the hearing.
- b. At a mutually convenient time, but at least three working days prior to the hearing, the committee Chair shall hold a pre-hearing meeting with the parties in order to:
 - (1) exchange the names of witnesses to be called at the hearing;
 - (2) exchange documents and other evidence to be used at the hearing;
 - (3) enter into stipulations of fact, and
 - (4) achieve ~~such~~ other appropriate pre-hearing objectives as will make the hearing fair, effective and expeditious to ensure a fair, effective, and expeditious hearing.

Witnesses and evidence not exchanged at this meeting will not be allowed to be presented at the hearing except for good cause shown, as determined by the committee.

4. The Hearing

a. Attendance

- (1) If the hearing is to be closed, attendance shall be limited to:
 - (a) members of the committee
 - (b) the grievant
 - (c) the grievant's advisor or lawyer, if desired
 - (d) the college representative
 - (e) the college's Legal Counsel
 - (f) witnesses while giving evidence
 - (g) AAUP observer, if requested by either party or the committee
 - (h) ~~tape recorder~~ recording equipment operator and/or court reporter, if any.

All participants in a closed hearing will be asked to maintain the confidentiality of the hearing to the extent reasonably possible.

- (2) If the hearing is to be open, the only parties to be excluded will be the witnesses, who may not attend the hearing ~~until~~ after the conclusion of their testimony.
- (3) The grievant's advisor or attorney, if any, and the college's Legal Counsel may advise any party upon request and may address procedural issues, but they may not question witnesses or make opening statements or closing arguments

b. Conduct of the Hearing²³

²³ The hearing procedures will vary in the following respects when the termination of a tenured faculty member is being considered:

- i. The burden of proof will rest with the College, and the College representative will, therefore, present witnesses and evidence before the faculty member does.
- ii. The standard of proof for finding adequate cause for termination shall be by clear and convincing evidence in the record considered as a whole.
- iii. When termination is proposed because of incompetence, the College representative must present the testimony of qualified faculty members from the College and other higher education institutions.

(1) The hearing shall not be conducted according to strict rules of legal evidence. Absent a majority vote of the committee to the contrary, the Chair shall rule on evidentiary matters and shall allow to be introduced at the hearing any probative and trustworthy evidence relevant to the matters at issue. Repetitious or cumulative evidence may be excluded.

(2) A ~~tape~~-recording will be made of the hearing and preserved by the Chair of the committee until all proceedings at the College have been concluded, at which time he/she shall deliver the ~~tape~~-recording to the Office of the President for retention or future use.²⁴

The ~~tape~~-recording arranged for by the Chair shall be the official record of the hearing. A transcript prepared from the ~~tape~~-recording will be furnished to the grievant upon request. In addition, either party may have a court reporter present to record the hearing at his/her own expense. If a transcript is prepared by the court reporter, the other party will be given an opportunity to purchase a copy.

All parties present will introduce themselves at the beginning of the hearing and shall identify themselves when speaking during the hearing for purposes of the record.

(3) The grievant and the college representative will have the right to confront and cross-examine all witnesses. The parties shall be responsible for securing the attendance of their own witnesses and obtaining necessary documentation and other evidence. Upon request, ~~the grievant, the College's representative, the committee~~ and the administration will cooperate ~~in whatever way possible to see with the committee to ensure~~ that necessary witnesses and evidence are made available.

Where a witness cannot appear because of illness or other cause acceptable to the committee, an affidavit of the witness may be introduced into the record. In such event, the opposing party shall have the right to file counter-affidavits within three working days following the completion of the hearing.

²⁴ The ~~tape~~-recording will be destroyed after five years if no written request to preserve it has been received.

- (4) The committee may grant reasonable recesses to enable either party to investigate evidence as to which a valid claim of surprise is made.
- (5) Except for such simple announcements as may be required, [\(covering the time of the hearing and similar matters\)](#), public statements and publicity about the case by the grievant, administrative officers or the committee members will be avoided so far as possible until the proceedings have been completed.
- (6) The committee or any party may seek the advice of the college's Legal Counsel at any time concerning these procedures.
- (7) With respect to the conduct of the hearing, and within the guidelines of these procedures, the Chair may establish other necessary rules and may decide issues presented, subject to being overruled by a majority of the committee.
- (8) All witnesses, including the grievant and the college representative, shall testify under oath administered by the Chair or his/her designee.
- (9) Committee members shall not discuss the case with anyone outside of the hearing and shall not be influenced in making a decision by any consideration other than the evidence presented to them at the hearing.
- (10) The standard of proof to be employed, when necessary, is a preponderance of the evidence.
- (11) At any point in the proceedings prior to the issuance of the committee's findings and recommendation, the grievant may withdraw any portion or all of the grievance, with the consent of the Committee. In all cases of withdrawal with consent, the grievant shall not have the privilege of reopening the same grievance at any time in the future.

c. Sequence of Events

- (1) Grievant may make an opening statement.
- (2) College representative may make an opening statement.

- (3) Grievant presents witnesses and evidence on his/her behalf, subject to cross-examination by the college representative and members of the committee.
- (4) College representative may request the committee to rule against the grievant and terminate the hearing because the grievance is not supported by the evidence presented by the grievant. The grievant may argue against this request. If the request is granted, the committee shall terminate the hearing and prepare its report. If the request is denied, the hearing proceeds to the next stage.
- (5) College representative presents witnesses and evidence, subject to cross-examination by the grievant and members of the committee.
- (6) The committee may call new witnesses, or recall previous ones, whose testimony it deems relevant or helpful, ~~subject to.~~ New witnesses are subject to cross-examination by the grievant and the college representative.
- (7) Rebuttal evidence (either testimony or documents) may be presented by either party, the grievant doing so first.
- (8) The grievant may make a closing argument, followed by the college representative. The grievant may rebut the closing argument of the college representative if he/she desires.
- (9) If the committee would find them helpful, it may request that additional written arguments be filed by both parties, with a copy furnished to the opposing party, within a ~~certain time period~~ reasonable period of time stipulated by the committee.

J. — Post-Hearing Procedures

~~Following the hearing, the committee shall meet in executive session, with all other persons excluded. In this session, the committee shall prepare its report, based upon the evidence presented at the hearing. The written report shall contain:~~

~~Statement of purpose of the hearing;~~

~~The issues considered by the committee;~~

~~Findings of fact as to each major issue raised by the parties; and~~

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Recommendations, if desired:

The committee's report shall be forwarded to the President, the grievant and the College representative within ten working days of the conclusion of the hearing. The findings and recommendations, if any, of the committee are advisory only and shall in no way bind or commit the President to any suggested course of action.

The report must have the concurrence of a majority of the committee. A minority position may be expressed either in a section of the committee's report or as a separate report.

If the findings and/or recommendations are adverse to the grievant, he/she shall have ten working days from the date the report is submitted to the President within which to submit in writing to the President for consideration any specific objections he/she may have regarding the conduct of the hearing or alleged errors in the findings of fact. A copy of these objections must be furnished to the committee and to the college representative.

Within ten working days after receipt of the committee's report, the President shall either submit to the grievant, the committee and the College representative his/her written decision on the case or refer the matter back to the committee for further response and recommendation before rendering a final decision.

The President will not be bound by the findings or recommendations contained within the committee's report, which are advisory only.

The President may request that the committee make available to him the recording of the hearing and all other evidence presented.

If the President's decision is contrary to the recommendations of the committee, the President will include within his decision a statement of his/her reasons for not accepting the recommendations of the committee.

If the President's decision is adverse to the grievant, he/she shall give written notice to the grievant of his/her right to appeal the decision to the College of Charleston Board of Trustees, when applicable.

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V. POST-HEARING PROCEDURES (p. A-57)

A. Following the hearing, the committee shall meet in executive session, with all other persons excluded. In this session, the committee shall prepare its report, based upon the evidence presented at the hearing. The written report shall contain:

1. statement of the purpose of the hearing
2. the issues considered by the committee
3. findings of fact as to each major issue raised by the parties
4. recommendations, if desired

The committee's report shall be forwarded to the President, the grievant, and the college representative ~~within ten working days of the conclusion of the hearing~~ as soon as reasonably possible after the conclusion of the hearing, normally within 15 working days. ~~The findings and recommendations, if any, of the committee are advisory only and shall in no way bind or commit the President to any suggested course of action.~~ The report must have the concurrence of a majority of the committee. A minority position may be expressed either in a section of the committee's report or as a separate report.

If the findings and/or recommendations are adverse to the grievant, he/she shall have ten working days from the date the report is submitted to the President within which to submit in writing to the President for consideration any specific objections he/she may have regarding the conduct of the hearing or alleged errors in the findings of fact. A copy of these objections must be furnished to the committee and to the college representative.

B. Within ten working days after receipt of the committee's report, the President shall either submit to the grievant, the committee, and the college representative his/her written decision on the case or refer the matter back to the committee for further response and recommendation before rendering a final decision.

~~The President will not be bound by the findings of recommendations contained within the committee's report, which are advisory only.~~

The President may request ~~that the committee make available to him the tape recording of the hearing and all other evidence presented.~~ a recording and/or transcripts of the hearing and any other evidence.

~~While the decisional authority rests with the President, the committee's decision will be given due consideration.~~ If the President's decision is contrary to the recommendations of the committee, the President will include within his/her decision a statement of his/her the reasons for not accepting the recommendations of the committee.

If the President's decision is adverse to the grievant, ~~he/she the President~~ shall give written notice to the grievant of his/her right to appeal the decision to the State College Board of Trustees, when applicable.