

Hearing Procedures for Employees with Faculty Rank

A. The Elon University Faculty Bylaws provide (Article VI, Section 3, h) that:

"Elected members of the council shall serve as a hearing committee, when a hearing is to be held, in cases involving the dismissal or suspension of a faculty member or charges of unprofessional conduct against a faculty member."

B. The academic council has adopted the following procedures for use when it sits as a hearing body for any employee with faculty rank:

1. The person requesting the hearing (hereinafter referred to as the aggrieved person) may present the grievance and/or he/she may be represented by any other faculty member he/she selects.
2. Any other person who considers himself/herself to be directly affected by the hearing may apply to the academic council to be made a party. Persons granted such status by the academic council will have the same rights to representation and presentation of evidence as the aggrieved person. The administration, or persons complained against, shall be parties to the hearing.
3. Parties to the hearing will be afforded opportunity to present written or oral evidence and may call witnesses to present evidence.
4. During the course of presentation of evidence, members of the hearing body may interject questions as considered necessary.
5. All sessions shall be open only to parties to the hearing, their representatives, and to witnesses while they are testifying.
6. After all testimony has been heard, the academic council shall meet in executive session to formulate its recommendations.
7. In reaching its decision, the academic council will consider only documents, materials and testimony presented in the hearing.
8. Recommendations of the academic council as to disposition of the case shall be made to the president of the university with a copy of same to each party.
9. During and after the hearing members of the academic council shall make no comment regarding the case beyond those made in meetings of the council.

C. Procedures for Dismissal of Tenured Teaching Faculty

1. Administrative Consultation

When reason arises to question the retention of a teaching faculty member who has tenure, the chair of the department, the dean, and the provost/vice president for academic affairs will discuss the matter with the faculty member. The procedure may be terminated at this point by mutual consent.

2. Academic Council

If the issue is not resolved by mutual consent, the faculty member has the right to request a hearing by the academic council. The hearing procedures adopted by the academic council are printed in the above section. The faculty member requesting the hearing may present the grievance and/or may be represented by any other faculty member he/she selects. The faculty member has the right to secure counsel and the right to question witnesses.

Recommendations of the academic council concerning disposition of the case shall be made to the president of the university.

3. Board of Trustees

If requested by the faculty member, the president shall take the full report of the academic council to the Board of Trustees stating the council's recommendation, together with the president's own recommendation. The Board may accept the president's recommendation or the recommendation of the council, or the recommendation may be returned to the council for reconsideration.

(8/01)

Faculty Grievance Procedure

A. For Teaching Faculty

1. Purpose

The purpose of this procedure is to assure fairness and consistency in faculty employee relations and to resolve misunderstandings as quickly as possible. No employee shall be discriminated against because he/she uses this procedure.

2. Coverage

For purposes of this procedure, employees are full-time and part-time teaching faculty.

3. Grievable Issues

- a. Disciplinary actions, including written warnings placed in employee's file, suspensions and discharges, where the employee questions the appropriateness of the stated cause except hearings conducted by the academic council under I-5, Article VI, 3, h of the faculty bylaws.
- b. Alleged violation, misinterpretation or inequitable application of university policy affecting the employee.
- c. Alleged discrimination against an employee because of race, color, religion, national or ethnic origin, sex, age, veteran status or disability.
- d. Alleged sexual harassment as defined in Web Reference A-18 in the Table of Contents of the *Handbook*. (Any investigation resulting from claims of sexual harassment will involve the director of human resources.)
- e. Alleged violation of the professional boundaries policy as defined in Web Reference A-17 in the Table of Contents of the *Handbook*. (Note: Students who wish to issue a complaint of the professional boundaries policy against a faculty or staff member should use the process identified in the Student Handbook for addressing such violations.)

(7/02)

4. Non-Grievable Issues

- a. Issues heard by the academic council under I-5, Article VI, 3, h of the faculty bylaws.
- b. Issues heard by the Tenure/Promotion Appeal Board as defined by the *Faculty Handbook*.
- c. Termination related to: reduction in force or expiration of grants, failure to receive tenure and expiration of employment contracts.
- d. The content of published personnel policies and procedure.

(10/07)

5. Procedure for Grieving Items listed above (General Grievance Procedure)

a. Step One

- 1.) Informal discussion with the employee's supervisor/department chair should always take place first in an attempt to resolve any problem. In some cases, input from a higher authority may be helpful. The employee and/or supervisor/department chair may wish to contact such a person.
- 2.) In cases involving claims of sexual harassment, attempts to resolve complaints at an informal level shall be made by the director of human resources and the department chair of the employee making the complaint.
- 3.) In the event that the department chair is involved in the complaint, a second person, selected by the provost/vice president for academic affairs, will assist in the investigation.
- 4.) Investigation at this step will be conducted expeditiously.

b. Step Two

- 1.) If the aggrieved employee (grievant) is not satisfied with the disposition of the grievance at step one, he or she shall, within 30 days after the event giving rise to the grievance, submit a written statement of grievance to his/her department chair.
- 2.) Upon receipt of the grievance at this stage, the department chair will notify the director of human resources who will contact the university legal advisor in order to help assure that the grievance procedure is followed carefully.

- 3.) The department chair shall investigate and attempt to resolve the grievance. This investigation may include a meeting between the department chair, appropriate dean, the grievant, and any other appropriate personnel.
- 4.) A written response shall be given the employee within 2 weeks after receipt of the written grievance by the department chairperson unless the employee agrees to an extension of this time period.

c. Step Three

- 1.) If the grievant is not satisfied with the disposition of the grievance at step two, or if no decision has been rendered within 2 weeks of the department chair's receipt of the grievance at step two, the employee may request the dean of the department chair's college or school to begin processing the grievance at step three.
- 2.) If the grievance involves an allegation of discrimination based on race, color, religion, national or ethnic origin, sex, age, veteran status or disability, the dean shall notify the director of human resources who will contact the university legal advisor or other designated legal advisor, who shall then work within the process described with the dean on the adjudication of the grievance.

d. Step Four

- 1.) If the grievant is not satisfied with the disposition of the grievance at step three, or if no decision has been rendered within 2 weeks of the dean's receipt of the grievance, the employee may request that the provost/vice president for academic affairs begin processing the grievance at step four.
- 2.) The provost/vice president for academic affairs, with the support of the director of human resources, will arrange for a hearing to be conducted by a three-member committee of employees, one member of which will be selected by the grievant, one by the provost/vice president for academic affairs. Both of these members shall select a third member from the current members of the academic council.
- 3.) If the two members are unable to agree on the selection of a third member, they shall alternately eliminate names from the academic council until the last name, which person shall become the third committee member. First elimination is to be determined by the toss of a coin.
- 4.) The committee selected above will select from among its members a chair by majority vote. If no member receives a majority, the member chosen

from the academic council shall be chair. The chair, with support provided from the director of human resources, will be responsible for determining how the facts relative to the grievance shall be investigated. The chair will also determine whether a formal hearing is required. If such a hearing is held, the grievant may be accompanied and represented at the hearing by a university employee of his or her choosing. Only university employees may represent an employee in a grievance hearing. Reasonable provision will be made for other employees to appear as witnesses.

- 5.) The investigation by the three-member committee should normally be completed within one month of its formation. Within 3 weeks of the completion of the investigation, the recommendation of a majority of the committee, along with their findings of fact, shall be submitted to the president.
- 6.) The president, after reviewing the findings and recommendations and any other evidence considered relevant, shall make a final decision which will then be communicated to the grievant.

6. Grievance Procedure for Alleged Violation of the Professional Boundaries Policy

If a student complaint against a faculty or staff member cannot be resolved informally it may progress to the formal stage of the Sexual Harassment Grievance Policy outlined in Web Reference A-18 in the Table of Contents of the *Handbook*. Faculty who are found to be in violation of the Professional Boundary Policy and who wish to contest the finding should follow the faculty's general grievance policy discussed in this section.

7. Possible Sanctions for Sexual Harassment Violations

- a. Harassment of any kind is not acceptable at the university. Should it be determined that a violation of the university policy on sexual harassment has occurred, appropriate disciplinary action will be taken. The disciplinary action will reflect the severity of the incident and any past sexual harassment offenses. Possible action shall include, but not be limited to written warning placed in the personnel file, reassignment of duties, suspension without pay, demotion, removal from a portion of assigned duties, appropriate professional counseling, and dismissal.
- b. All persons involved in investigations, proceedings or deliberations related to claims of sexual harassment are expected to keep confidential all information related to the claims.
- c. A person will be in violation of the university policy on sexual harassment if he/she knowingly files a false or malicious complaint of harassment. Such

conduct may be pursued using the steps followed for a complaint of harassment; such conduct may result in corrective action, including dismissal.

8. Grievance Procedure for Students Alleging Sexual Harassment by Any University Employee Teaching a Course

This procedure applies only in the case of a student who believes that he/she has been the victim of sexual harassment by any university employee teaching a course. A student who believes that he/she has been the victim of sexual harassment by another student will use the judicial process as identified in the *Student Handbook* at www.elon.edu/students/handbook. (Note that investigations resulting from claims of sexual harassment against an employee teaching an Elon course will involve the director of human resources.)

a. Informal Procedure: Discussion with Vice President for Student Life/Dean of Students

- 1.) A student who believes that he/she has been the victim of sexual harassment by any university employee teaching a course should report the incident to the office of the vice president for student life/dean of students. The vice president of student life/dean of students, or his/her designee, will meet with the student and investigate the complaint.
- 2.) In the event that the vice president for student life/dean of students, or his/her designee handling the complaint, is involved in the complaint, a second person, selected by the provost/vice president for academic affairs, will assist in the investigation of the complaint.
- 3.) The investigation at step one will be conducted expeditiously.
- 4.) If the complaint cannot be resolved informally at step one, the student has the option to take subsequent steps making a formal claim as identified in the various university employee policy and procedure manuals.

b. Formal Procedure – Step One

- 1.) If the aggrieved student (grievant) is not satisfied with the disposition of the grievance at the informal level, he or she shall submit, within 90 days after the event giving rise to the grievance, a written statement of his/her grievance to the provost/vice president for academic affairs.
- 2.) Upon receipt of the grievance at this stage, the human resources director will notify the university's legal advisor in order to help assure that the grievance procedures are carefully followed.

- 3.) The provost/vice president for academic affairs, or his/her designee, along with the director of human resources, shall investigate and attempt to resolve the grievance. The investigation may include a meeting of the supervisor/department head, provost/vice president for academic affairs, director of human resources, and any other appropriate personnel.
 - 4.) Within 2 weeks after receipt of the written grievance, a written response will be given to the student by the provost/vice president for academic affairs unless the student agrees to an extension of this time period.
- c. Step Two
- 1.) If the grievant is not satisfied with the disposition of the grievance at step one, or if no decision has been rendered within 2 weeks of the provost/vice president for academic affairs' receipt of the grievance, the student may request that the provost/vice president for academic affairs begin processing the grievance at step two.
 - 2.) The provost/vice president for academic affairs, with the support of the director of human resources, will arrange for a hearing to be conducted by a three-member committee composed of students and faculty. One member of the committee will be selected by the grievant and one by the provost/vice president for academic affairs. Both of these members shall select a third member from a pool of students and faculty selected by the provost/vice president for academic affairs.
 - 3.) If the two members are unable to agree on the selection of a third member, the two members shall alternately eliminate names from the panel until the last name, which person shall become the third committee member. First elimination will be determined by the toss of a coin. Equal numbers of representatives from each category (students and faculty) will be selected by the provost/vice president for academic affairs to comprise the pool of hearing board members.
 - 4.) The committee will then select from among its member a chairperson by majority vote. If no member receives a majority, the member chosen from the pool of hearing board members shall be the chairperson.
 - 5.) The chairperson, with support provided from the director of human resources, will be responsible for determining how the facts relative to the grievance shall be investigated. The chairperson will also determine whether a formal hearing is required. If such a hearing is held, the grievant may be accompanied and represented at the hearing by another student or employee. Reasonable provisions will be made for university employees to appear as witnesses.

- 6.) The investigation by the committee should normally be completed within one month of its formation. Within 3 weeks of the completion of the investigation, the recommendation of the majority of the committee, along with their findings of fact, shall be submitted to the president of the university.
- 7.) The president, after reviewing the findings and recommendations and any other evidence considered relevant, shall make a final decision which will then be communicated to the grievant.

B. For Administrative Staff with Faculty Rank, and
Academic Support Staff with Faculty Rank

The grievance procedure for all non-teaching staff personnel employed by the university can be found in the *Elon University Staff Manual*, Section VIII, "Grievance Procedure."

(7/03)

Grade Appeal Procedure

The grade appeal system affords recourse to a student who has evidence or believes that evidence exists to show that an inappropriate grade has been assigned as a result of clerical error, personal bias, or arbitrary grading. Grades (for an entire course, assignment, or unit) given by an instructor after the student is found responsible for an academic honor code violation through the University Honor System may not be appealed.

Keeping in mind that the appeal of a course grade should be attended to as soon as possible, the student must contact the professor involved within the first 2 weeks of the start of fall semester for the appeal of a spring semester or a summer term grade, and within the first 2 weeks of the spring semester for the appeal of a fall semester grade. In the case of a winter term grade the appeal must be made no later than April 1st of the year in which the course was completed. If the faculty member who taught the course is not available, the appeal should be made to the chairperson of the faculty member's department.

In the case of a grade that would affect a graduating senior or that would result in probation or suspension, the student must contact the professor immediately after the grade is posted, and the procedure will be expedited.

Procedure for appealing a course grade:

To begin an appeal the student must first set up a meeting with the professor to discuss the situation within the timeframe outlined above. As it is the responsibility of the student to demonstrate that the appeal has merit, the student should bring to this meeting any work from the course the student has in his/her possession for the professor to review. At the meeting the professor will:

1. Review any work that the student brings to discuss.
2. Show the student any of the student's work that remains in the professor's possession (e.g., papers, final examinations and projects).
3. Explain how the student's grade was determined based on the standards set forth at the beginning of the class and listed in the course syllabus.
4. Re-figure the numerical computation of the grade, if any, to determine if there has been a clerical error.

If the student wishes to continue the appeal following this meeting, he or she must file a written appeal with the professor's department chairperson by the end of the fourth week

of the semester, or by April 15th in the case of the appeal of a winter term grade. If the department chairperson is the professor involved, the written appeal will go to the dean of the college or school. The student will submit to the department chairperson the “Student Grade Appeal Statement” form together with copies of the course syllabus, tests, assignments, and papers in the student’s possession. The department chairperson will notify the professor involved, and the professor will file the “Professor Grade Appeal Statement” form with the department chairperson by the end of the fifth week of the semester, by April 22nd for winter term grade, together with copies of the syllabus, assignments, and any of the student’s work that remain in the professor’s possession. The department chairperson, following consultation with the related dean or deans, will render a decision in writing regarding the grade appeal by the end of the sixth week of the semester, or by April 29th in the appeal of a winter term grade.

If the student wishes to appeal the Chair’s decision to the final hearing body, he or she must put that request in writing to the dean within 1 week. The dean, or his/her designee, will notify the chairperson of Academic Council to form a grade appeal hearing committee and forward all documentation to the chairperson of the Academic Council. The committee should meet no later than the end of the eighth week of the semester, or by May 13th for a winter term grade appeal. The grade appeal committee will consist of:

- a. three members of Academic Council appointed by the chairperson of council.
- b. one faculty member appointed by the dean of the department/division involved.
- c. one Student Government Association representative appointed by the student government executive president. In the case that the involved student is the student government president, the vice-president shall appoint the student representative.

The chairperson of the grade appeal hearing committee will be chosen by the chairperson of Academic Council from the three council members serving on the committee.

Grade Appeal Hearing Procedure:

Hearings are restricted to those Elon faculty or staff directly involved in the appeal. The student and the professor may each bring an advisor from the Elon University community (currently enrolled student, faculty, or staff member) to the hearing. The advisor may only counsel the student or the professor and may not actively participate in or make any statement during the hearing. Recognizing that the grade appeal hearing is an in-house procedure, attorneys, other legal counsel, and any other persons outside the university community are not permitted in the hearing.

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Grade Appeal Procedure

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The hearing committee will review all of the documentation received from the dean and then ask the student, professor, and their advisors, if present, to come into the room. The student and the professor will each be allowed to make a statement, and the committee members may ask questions of the student and the professor. The student, professor, and their advisors will then be asked to leave the room, and the final discussion and vote by the committee shall be in closed session. The decision of the committee is final, and the Chair of Academic Council will send written verification of the committee's decision to the professor and the student. In the case of a grade change, the dean of the school or college, or his/her designee, will make the change.

Elon University
Student Grade Appeal Statement

Student Information

Student's Name _____

Local Address _____

Phone _____

Course Information

Course Number & Title _____

Semester _____ Professor's Name _____

Grade Received in Course _____ Grade Expected in Course _____

Number of Class Absences _____

Date of meeting with instructor about grade received _____

Was a change of grade requested? _____ Yes _____ No

Basis of Grade Appeal Request _____ Personal Bias _____ Arbitrary Grading
_____ Clerical Error

Please attach a separate sheet explaining the reason for requesting a grade change, any discussions with the instructor about your class performance prior receiving the disputed grade and during the meeting to discuss the grade, and the outcome of the meeting with the professor.

Provide documentation of class performance, including laboratory portions of the course if applicable.

Include copies (not originals) of:

1. Syllabus and other course materials (handouts, assignments, etc.)
2. All tests, assignments, papers, etc. returned by the professor
3. Any other pertinent materials or information

Student Signature _____ Date _____

This form is to be filed with the department chairperson no later than the end of the fourth week of the semester.

Please retain copies of all information filed with this statement.

Elon University
Professor Grade Appeal Statement

Professor Information

Name _____

Campus Address _____

Office Phone _____ Department _____

Course Information

Course Number & Title _____

Semester _____ Student's Name _____

Number of class/lab meetings per week _____

Number of Student Absences _____

Grade Given in Course _____

Date of meeting with student about grade _____

Was a change of grade requested? _____ Yes _____ No

Basis of Grade Appeal Request _____ Personal Bias _____ Arbitrary Grading
 _____ Clerical Error

Please attach a separate sheet explaining any discussions with the student about his/her class performance prior to the granting of the disputed grade and during the meeting to discuss the grade, and the outcome of the meeting with the student.

Provide documentation of the student's class performance, including in laboratory portions of the course if applicable.

- Include copies (not originals) of:
1. Syllabus and other course materials
 2. All tests, assignments, paper requirements etc.
 3. All of the student's work still in your possession
 4. Any other pertinent materials or information

Professor Signature _____ Date _____

This form is to be filed with the department chairperson no later than the end of the fifth week of the semester.

Please retain copies of all information filed with this statement. (8/05)