

D. Evaluation of Performance Objectives/Goals:

The faculty member submits an annual report with appropriate evidence addressing prior established objectives/goals. The faculty member and department chair meet to discuss achievement of agreed upon objectives/goals. When appropriate the department chair shall counsel the faculty member on his or her potential for tenure, promotion, and professional growth demonstrated during the past year. The department chair's annual assessment is based only on the judgment of a single year's performance and not on the cumulative assessment given for promotion and tenure recommendations.

Timetable for Implementation of System

The suggested calendar for a faculty portfolio system is as follows:

Element A: Spring prior to academic year

Element B: Spring prior to academic year

Element C: Early fall of academic year

Element D: Spring of academic year

This is a process that does not seek to limit an individual faculty member's teaching, scholarly activity, or service goals to only those approved by a department chair. Rather, it is a process to encourage collaboration in establishing goals within the context of the department. It also allows the faculty member to understand more clearly the criteria by which the department chair will annually evaluate him or her and to agree, disagree, or negotiate. A faculty member may choose to establish goals or objectives that are in disagreement with his or her department chair's goals. Where there is a disagreement, the faculty member needs to understand how an objective will be evaluated prior to investing in the activity.

There is also the opportunity to request appropriate resources to accomplish goals or objectives. The foregoing is all similar to what occurs in a non-portfolio faculty performance review system, only adding the element of annual planning and evaluation within the context of stated goals or objectives.

Faculty members and department chairs may choose to combine evaluation of the previous year and establishing goals for the next year into one meeting. The fall revision may not always be necessary and may not require a meeting.

VII. Appeals Process

Faculty who wish to appeal the department chair's annual evaluation shall avail themselves of the University grievance process as stated in this *Faculty Handbook*.

The Committee will thereupon request a written statement of response from the appropriate administrative officials.

Once the Academic Freedom and Tenure Grievance Committee has determined that the case is within its jurisdiction, it shall immediately ask the Mediation Committee to inquire informally into the situation in order to attempt to effect a resolution of the matter. If such resolution cannot be achieved, the Mediation Committee will submit a non-binding recommendation to the Academic Freedom and Tenure Grievance Committee, and the faculty member will have the right to a formal hearing before the Academic Freedom and Tenure Grievance Committee. The hearing will be conducted in accordance with the applicable portions of the Formal Hearing Procedures, no. 2-9 and 11-12.

The burden of proof that academic freedom has been abridged will rest upon the faculty member.

At the end of these proceedings, the Academic Freedom and Tenure Grievance Committee shall make a written recommendation as to the merits of the faculty member's allegation to the administration and to the faculty member. If the President rejects the report, the President will state the reasons for doing so, in writing, to the Academic Freedom and Tenure Grievance Committee and to the faculty member and provide an opportunity for response before transmitting the case to the Board of Trustees. Within 30 days of final action by the administration a petition for appeal of the case can be made in writing to the Board of Trustees. This petition must fully state all grounds of appeal.

Suspension during Termination Procedures

Until the final decision on termination of an appointment has been reached, the faculty member will be suspended only if immediate harm to himself or herself or to others is threatened by his or her continuance. Before suspending a faculty member, pending an ultimate determination of the faculty member's status through the institution's hearing procedures, the administration will consult with the Academic Freedom and Tenure Grievance Committee concerning the propriety, the length, and the other conditions of the suspension. Suspension shall be with pay. If notice of termination is given, the faculty member shall receive his or her salary for at least the period of notice to which he or she is entitled under these regulations and shall be continued in his or her duties for that period unless his or her welfare or that of the institution requires that he or she be granted a leave of absence.

PROCEDURES FOR FACULTY GRIEVANCE CASES NOT COVERED BY THE POLICY ON ACADEMIC FREEDOM AND TENURE

Composition and Duties of the Faculty Grievance Committee

The Faculty Grievance Committee shall consist of five faculty members elected by and from the General Faculty for three-year terms. All members of this committee must be tenured. Academic administrators including deans, chairs of departments, and the Dean of the Library may not serve. No member of the Faculty Grievance Committee shall at the same time serve on

the Academic Freedom and Tenure Grievance Committee, the Mediation Committee, or a School/College-wide or University-wide tenure or promotion committee. The Faculty Grievance Committee shall elect its own chair.

The Faculty Grievance Committee shall hear faculty grievance cases in matters not covered by the Policy on Academic Freedom and Tenure, such matters to include but not be limited to discrimination in compensation, promotion, and work assignment. The granting or the failure to grant tenured status to faculty members or the nonrenewal of employment contracts at the end of the contract term shall not be subjects for consideration by the Faculty Grievance Committee.

The committee shall recommend changes in the grievance procedure for faculty in matters not covered by the Policy on Academic Freedom and Tenure.

Procedures for Faculty Grievance Cases Not Covered by the Policy on Academic Freedom and Tenure

1. When any faculty member of Francis Marion University who has completed one year of service is unable to resolve an alleged grievance by discussion and negotiation with his or her chair/dean, the faculty member may then seek the assistance of the Mediation Committee. (Subjects for consideration in any such grievance petition shall include but not be limited to discrimination in compensation, promotion, and work assignment. Subjects for consideration shall not include the granting or the failure to grant tenured status to faculty members or the nonrenewal of employment contracts at the end of the contract term.) If the faculty member is unable to reach a resolution through discussion, negotiation, and mediation, he or she may then appeal in writing to the Faculty Grievance Committee.
2. The Faculty Grievance Committee shall consist of five members duly elected by and from the General Faculty for three-year terms. All members of this committee must be tenured. Academic administrators including deans, chairs of departments, and the Dean of the Library may not serve. No member of the Faculty Grievance Committee shall at the same time serve on the Academic Freedom and Tenure Grievance Committee, the Mediation Committee, or a School/College-wide or University-wide tenure or promotion committee. The Faculty Grievance Committee shall elect its own chair.
3. Any written request for a hearing before the Faculty Grievance Committee shall include any necessary factual information and/or data which the faculty member deems appropriate. The faculty member will supply at his or her own expense a copy of his or her complaint and all written evidence to each member of the committee and to each party to the complaint, as well as an additional copy for the University's records.
4. The Faculty Grievance Committee shall review the information and data provided by the faculty member in order to determine the merits of the grievance. If the Faculty Grievance Committee finds that the grievance has merit, then a full hearing will be conducted. If the Faculty Grievance Committee finds no merit in the grievance, then the faculty member will be so notified in written format.

5. If a full hearing is deemed the appropriate action, then the following standards and procedures shall apply in the conduct of said hearing:
 - a. The hearing shall be closed.
 - b. A verbatim record of the hearing or hearings will be taken and a copy made available to the faculty member and to the person against whom the grievance is lodged, on request and without cost.
 - c. Both parties to the grievance may choose an advisor and/or counsel to be present during the hearings.
 - d. The committee may grant adjournment to enable either party to investigate evidence to which a valid claim of surprise is made.
 - e. Both parties to the grievance and the advisor and/or counsel shall have the right to confront and cross-examine all witnesses.
 - f. The Faculty Grievance Committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved.
 - g. The findings of fact and the decision of the Faculty Grievance Committee will be based solely on the hearing record.
6. The Faculty Grievance Committee will submit its findings and recommendations in writing to the faculty member, to the person against whom the grievance is lodged, and to the President of the University.
7. The President of the University will have 10 days in which to accept or reject the recommendation of the Faculty Grievance Committee. If the President of the University rejects the recommendation of the Faculty Grievance Committee, the President will state in writing, within those 10 days, the reasons for doing so to the Faculty Grievance Committee, the faculty member, and the person against whom the grievance is lodged.
8. Within 30 days of final action by the President the faculty member shall have the right to appeal the President's decision to the Francis Marion University Board of Trustees or to a committee designated by the Board for that purpose, such appeal to be limited to the record of the hearing.

Marion University student who has been enrolled within the last twelve months, or any current staff member.

- b. Select from the finalists, and recommend to the Provost, the individual to be named Distinguished Professor. The faculty members on the committee make this selection.
- c. Recommend to the Faculty Life Committee changes in the criteria and procedures for selection of the Distinguished Professor.

The newly selected Distinguished Professor will represent the University as the nominee for the South Carolina Distinguished Professor Award that year.

G. Faculty Grievance

1. *Membership.* The committee shall consist of five tenured members elected from the faculty for three-year terms. Academic administrators including deans, department chairs, and the dean of the Library may not serve. No member of the Faculty Grievance Committee shall serve concurrently on the Academic Freedom and Tenure Grievance Committee, the Mediation Committee, or a School/College-wide or University-wide tenure and promotion committee.
2. *Responsibilities.* The committee shall:
 - a. hear faculty grievance cases in matters not covered by the *Policy and Procedures concerning Academic Freedom and Tenure*. Such matters include but are not limited to discrimination in compensation, promotion, and work assignment. The granting or the failure to grant tenured status to faculty members or the nonrenewal of employment contracts at the end of the contract term shall not be subjects for consideration.
 - b. recommend changes in the grievance procedure for faculty in matters not covered by the *Policy and Procedures concerning Academic Freedom and Tenure*.

H. Faculty Life

1. *Membership.* The committee shall consist of nine members, one elected by the voting faculty of the University from each of the following categories for three-year terms:
 - a. Humanities
 - b. Science and Mathematics
 - c. Social Sciences and Psychology
 - d. Fine Arts and Mass Communications
 - e. School of Business
 - f. School of Education