

THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE
FACULTY SENATE

Senate Document Number 1417F
Date of Senate Approval 12/07/17

Statement of Faculty Senate Action:

**FWDC 4: Academic Appeals Board (AAB) and Faculty Conciliators
Faculty Handbook Sections [10.2.7](#) and [10.3.3](#)**

Effective date: Spring 2018

Summary: This document seeks to improve the rank balance of AAB faculty membership, clarify who may serve as AAB Chair, and proposes two Faculty Conciliators instead of one Conciliator and one Alternate Conciliator.

Rationale:

- (a) Currently, four faculty members are elected to serve on AAB without consideration of rank. In order to preserve rank balance and provide the perspective of an untenured faculty member, we propose that at least one untenured faculty member serve on the AAB. However, given the nature of the appeals process, we propose that only tenured faculty should serve as committee chair.
- (b) The term of the Faculty Conciliators should be extended from one to two years given the steep learning curve for this position. Two Conciliators will be chosen during the first year, one for a 2-year term and one for a 1-year term. One conciliator will be selected each subsequent year, ensuring that two conciliators are serving at any given time, and that one has a year of experience. Having two primary Conciliators will provide each Conciliator support and guidance on how to handle grievances as well as balance in workload. SGA leaders have expressed support for this plan. Conciliators will be expected to rotate cases, except in the event of a Conciliator's unavailability or if a conflict of interest occurs. Faculty Conciliators will attend all AAB hearings for cases with which they have been involved.

Revise 10.2.7 as follows:

10.2.7 Academic Appeals Board (AAB) (amended by [SD1990S](#))

Purpose

The Academic Appeals Board hears unresolved grievances filed by students who feel ~~he/she~~ **has that they have** been treated unfairly or improperly in an academic matter by a faculty member of this University.

Procedure

~~The Faculty Conciliator is the person a student must contact in order to file a grievance~~
~~Students must contact the Faculty Conciliators in order to file a grievance~~ (see [Section 10.3.3](#)).

A quorum of AAB shall consist of five members, including no fewer than two students and three ~~electd~~ electd faculty members. AAB members are necessarily excluded from deliberations in which:

1. the Board member is related to one of the two principals,
2. the Board member is a departmental colleague of one of the principals,
3. the Board member is currently enrolled in a course taught by one of the principals,
4. the Board member is one of the two principals involved.

All questions of scheduling and satisfying deadlines shall be adjudicated by the Chair of the AAB. All records of the AAB's deliberations shall be kept in a file maintained and preserved by the Chair of the AAB.

Membership

- Four faculty members (including at least one untenured faculty member) elected at large by the faculty from a list of no fewer than ~~seven~~ six nominees provided by the Faculty Senate,
- Three students plus one alternate elected by the Student Government Association (SGA)
- Two Faculty Conciliators, ex officio, non-voting.

~~The four faculty elected to AAB by the faculty shall serve a two year staggered term; they may be elected to serve a second term; they may not be elected to a third term until they have been off the Board for at least two years. An effort should be made to provide for representation from the three program areas. Alternates shall serve a one year term and a new alternate elected each year. Student members of the AAB and the Faculty Conciliator shall each serve a term of one year. The Faculty Conciliator may not serve more than three consecutive terms.~~

The four faculty elected to AAB shall each serve a two year staggered term. Faculty may be elected to serve a second term, but not a third, until they have been off the Board for at least two years. An effort should be made to provide representation from the three program areas. Student members of the AAB shall each serve a one year term. The Faculty Conciliators shall each serve one staggered term of two years, and may not serve more than two consecutive terms.

A Chair (tenured faculty member) and a secretary of the AAB shall be elected from and by the faculty members on AAB. The AAB shall be chosen in the spring and will serve from the beginning of the fall semester through the following summer.

Revise 10.3.3 as follows:

10.3.3 Faculty Conciliators and Alternate (SD2695S)

Selection

~~The Faculty Conciliator is chosen by SGA from a list of four full-time faculty members submitted by the Faculty Senate. SGA selects one of the nominees as Alternate Conciliator should the circumstances of a specific situation make the involvement of the Conciliator impractical. Because of the personal nature of some of the grievances and the potential for injured feelings and hostility, only tenured faculty are eligible to have their names submitted to SGA for the position.~~

~~Both the conciliator and the alternate serve one year terms with the alternate assuming the position of conciliator in the subsequent year. A new alternate is chosen at the end of each spring semester; accepting the nomination as Alternate Conciliator means a two-year commitment to the process. Terms of service begin at the start of the fall semester continue through the following summer. The Faculty Conciliator is an ex officio non-voting member of the Academic Appeals Board.~~

One Faculty Conciliator is chosen by SGA from a list of two full-time faculty members submitted by the Faculty Senate. Because of the personal nature of some of the grievances and the potential for injured feelings and hostility, only tenured faculty are eligible to have their names submitted to SGA for these positions. The Faculty Conciliators each serve staggered two year terms. Each term begins at the start of the fall semester and runs through the summer of the second year. Faculty Conciliators are ex officio non-voting members of the Academic Appeals Board.

Purpose

The job of the Faculty Conciliators is to hear student grievances, to try to resolve them at the earliest stage consistent with fairness to all parties, and to guide the student through the later stages of the grievance procedure if conciliation proves impossible. ~~Consistent with justice, it should be the aim of the Conciliator to resolve as many cases as possible without going to the Academic Appeals Board.~~

Procedures

To accomplish this, one of the Conciliators may need to investigate the facts of a grievance presented by a student. Also, in the normal course of the grievance procedure, the Conciliator will need to meet with the faculty member against whom the grievance is brought, and in some cases, with that member's departmental chair or program director. The Conciliator has the right and responsibility to determine the sequence of and extent to which student, faculty member, and department chair are consulted prior to initiating the formal sequence of events which lead to an Academic Appeals Board hearing. This does not relieve the Conciliator of following the requirements of the formal grievance procedure but does allow the flexibility required to attempt to resolve the conflict prior to that final step. Since appropriate conciliation will require discussing issues that would normally fall under the protection of student confidentiality, students must be apprised of this fact at the beginning of the process and must sign a waiver stating they understand the responsibilities of the Conciliator regarding their rights to confidentiality. (This waiver will also point out that information pertaining to the grievance will be held in confidentiality on a need to know basis, and the circle of those who "need to know" may broaden.)

In all of these events, the Conciliator is not acting as an advocate for the student or the faculty member, but as a presenter of the student's case, and a seeker of a fair and acceptable outcome for all parties ~~without having to resort to a formal Academic Appeals Board hearing.~~

Procedural Guidelines for the Conciliator

A. Confidentiality is essential in grievance procedures but is difficult to achieve when many parties are involved. The Conciliator should not divulge the names of students who bring a grievance nor of the faculty members against whom the grievance is brought nor the nature of the grievance, except insofar as is required to aid in the resolution of the grievance. Both the student and the faculty member are expected to function under the same restrictions.

B. Because of the time restrictions on the grievance procedures, the Conciliator should make immediate notes on the date of the first contact with the student and during any follow-up contacts. This log of events during the process should include only the date and the action taken on that date. These notes may become critical in determining whether or not procedural guidelines were followed. They will also serve as the basis for the required annual report to the Provost and VCAA.

~~C. The Alternate Conciliator may be called to serve in the event of the Conciliator's unavailability or if a conflict of interest occurs. The Alternate should be brought into the conciliation process early in the semester, at least to the point of periodic consultations about the generalities of case problems, procedures and any cases that might be expected to carry over into the Alternate's term of duty as Conciliator.~~

~~C. It is expected that the Conciliators will take turns handling new grievances, except in the event of a Conciliator's unavailability or if a conflict of interest occurs. Conciliators should periodically consult one another about the generalities of case problems, procedures, and any cases that might be expected to carry over into the following academic year.~~

~~D. The student has 15 class days after the start of the new semester to bring to the Conciliators grievances about grades and 15 class days after an event to bring grievances about faculty behavior. The Conciliator then has 10 class days to attempt to resolve the dispute before initiating a formal Academic Appeals Board hearing. In extraordinary circumstances, the Conciliator shall have the right to request that the Academic Appeals Board hold a hearing to override the existing time guidelines in order to effectively deal with a problem. The Academic Appeals Board will determine if a time extension is appropriate.~~

~~D. To file a grievance, the student must contact the Conciliator. The student must specify the date of the incident in a petition against the instructor. The student must then file the petition with the Conciliator. This filing must occur within 20 class days of the incident or of the time a student could reasonably be expected to know of the incident. In cases of doubt concerning the application of the time limit, the Conciliator will decide. Failure to meet this deadline forfeits the right of appeal. The Conciliator must then immediately forward a copy of the petition to the instructor, to the instructor's department Chair, and the Chair of the AAB. The Conciliator will attend all AAB hearings for cases in which they have been involved.~~

E. The Conciliators provides an annual report to the Provost and VCAA of all cases heard and the names of the parties involved. This is important as a means to identify possible patterns of abuse or repetitive patterns of misconduct either by a faculty member against students or by a particular student towards various faculty members. The Provost and VCAA will have the discretion to decide if this information should be available for tenure, promotion, and reappointment decisions for faculty and student judicial hearings for students.

Reports to: the Provost and VCAA.