

**THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
EPA NON-FACULTY GRIEVANCE POLICY AND PROCEDURES**

Effective July 1, 2001

I. Policy

- A. The University is committed to fair and equitable treatment for all employees. Therefore, the University has established this Grievance Policy and Procedures for the fair, orderly, and prompt resolution of work-related problems.

- B. Within this context of equity and fair treatment, the University administration is charged by law with the responsibility of managing and directing its human resources, including determining work force size, recruitment, training, work assignments, hours of employment, promotion, demotion, transfer, or dismissal, all according to State and University policies.

- C. Where there are concerns or problems arising out of employment, EPA Non-Faculty employees and their supervisors are strongly encouraged to find informal means of resolving them. Mediation and compromise should characterize the resolution of work-related problems, and employees are strongly encouraged to talk over any workplace concerns, problems, or grievances with their supervisor. The University has adopted a Mediation Policy to assist supervisors and employees in resolving their differences. A copy of the Mediation Policy is available through the Human Resources Counseling Service, and also can be found on the internet through the Office of Human Resources' home page (www.ais.unc.edu/hr/).

- D. Employees have the right to use these grievance procedures free from threats or acts of retaliation, interference, coercion, restraint, discrimination, or reprisal. Employees may not be retaliated against for participating in a grievance as a grievant, a witness, a support person, or as a Grievance Committee member. A support person is someone who accompanies the grievant to hearings or interviews and/or assists the grievant in preparing for meetings, keeping track of documents, etc., but in no way represents the grievant. A support person may be any person of the grievant's choosing, such as a fellow employee, a spouse or other family member, or a good friend. The role of the support person is to provide assistance to the grievant in preparing his or her case.

- E. Employees and supervisors are encouraged to discuss matters as fully and freely as they wish. Discussions between an employee and his/her support person are considered confidential. A support person may not discuss the issue or concern with others without the approval of the employee.

II. The Roles and Responsibilities of the EPA Non-Faculty Grievance Committee

- A. The Committee hears grievances brought by EPA Non-Faculty employees, including those employees covered by the Senior Academic and Administrative Officers Policies and those employees covered by the Employment Policies for Instructional and Research EPA Non-Faculty (hereinafter referred to as “*Policies*”).¹ Committee members are conscious of their responsibility to each EPA Non-Faculty employee, and have pledged themselves to consider every grievance submitted to them with fairness and impartiality.
- B. The Committee has jurisdiction to hear:
1. complaints alleging discrimination on the basis of age, sex, race, color, national origin, religion, disability, or sexual orientation;
 2. complaints alleging sexual or racial harassment should the respective informal procedures (if appropriate) have failed to produce a resolution satisfactory to the aggrieved employee;
 3. complaints related to discharge for cause (includes incompetence, unsatisfactory performance, neglect of duty, misconduct); and/or
 4. other complaints arising out of the employment relationship, including those concerning the interpretation and application of any provisions of the appropriate *Policies*.

However, grievances concerning discontinuation or termination of employment with notice, pursuant to the relevant sections of the appropriate *Policies*, may be brought only upon allegations of violations of applicable notice requirements or violations of the equal employment opportunity or political activity sections of such *Policies*.

III. EPA Non-Faculty Grievance Procedures

¹ Copies of the *Policies* may be found in the department chair’s office or obtained from Human Resources or the Chair of the Grievance Committee. In the case of conflict between these Procedures and the relevant *Policies*, the *Policies* control.

- A. The Committee can consider a grievance only after receipt of a signed, written statement by the aggrieved employee setting forth the nature of the grievance. The statement must include information concerning the attempts made by the aggrieved employee to resolve the grievance with the department chair, dean, or administrative official most directly empowered to make adjustments, or an appropriate official as identified in the Sexual or Racial Harassment Policies, and information as to the results of such attempts. Additionally, the statement should describe the desired outcome or resolution being sought by the aggrieved employee.
- B. Absent exceptional circumstances, the signed, written statement shall be submitted within 10 calendar days from the last unsuccessful attempt to resolve the grievance. The statement shall be submitted to the Chair of the Committee. In the absence of the Chair, the statement will be forwarded by the Chair's office to the Vice Chair (as elected by the Committee). To insure expeditious handling, envelopes containing such statements should be marked clearly "FOR THE EPA NON-FACULTY GRIEVANCE COMMITTEE".
- C. A principal function of the Committee is mediation. In considering a grievance, the Committee will attempt first to ascertain the positions of the parties involved, to analyze their differences, and to seek a common ground for voluntary adjustment of the issue.
- D. In its handling of grievances, the Committee may act as a whole or in a panel of three or more, at the discretion of the Chair. If the Chair decides that a grievance will be handled by a panel, the panel members will be appointed by the Chair. When a panel is used, its role will be limited to investigation and mediation.
- E. The Committee or panel ordinarily will hold separate meetings with the aggrieved employee, and with the department chair, dean, or other administrative official most directly empowered to adjust the grievance or others that the Committee determines appropriate. At meetings with the Committee or panel, the parties may be accompanied by other persons to provide testimony, and by one person to serve in a supportive role. The Committee or panel must be notified, in advance, of the name, position, and role of each of these persons. The principal parties, however, must be present at any discussions as appropriate and requested by the Committee or panel.
- F. It is the intent of the Committee that in the consideration of a grievance the investigation of the positions of the persons involved

and attempts at mediation will be completed within thirty calendar days after receipt of the statement of grievance. If mediation is unsuccessful, the panel will report findings from its investigation to the full Committee for review and final recommendations.

- G. In the event that the panel's mediation attempt fails to resolve the difference, the full Committee will hear the report of the panel and consider the matter further. If the Committee deems an adjustment to be in order, it will notify both parties to the dispute of its findings. The Committee will make reasonable efforts to provide such notification within fifteen calendar days after the last attempt at mediation by the Committee or panel. If consideration by the Committee has not been completed at the end of fifteen calendar days, both parties will be notified in writing of the reason for the delay.
- H. A recommendation by the Committee in favor of the aggrieved employee shall be given by the Committee Chair to the Chancellor only after the department chair, dean, or other administrative official most directly empowered to enact the recommendation has been given similar advice by the Committee and, absent exceptional circumstances, has not acted upon it within fifteen calendar days.
- I. Once a grievance is completed and any appeals have been resolved, all Committee members shall transfer their materials from the grievance to the Chair who will handle them in accordance with the Committee's approved Records Retention and Disposition Schedule.

IV. Appeals

- A. When the Committee recommends action in favor of the aggrieved employee, or makes a recommendation unfavorable to the aggrieved employee, he or she may appeal the Committee's decision or recommendation to the Chancellor. This appeal should be filed in writing within 10 calendar days after the Committee notifies the aggrieved employee of its recommendation. If the Committee makes a recommendation favorable to the aggrieved employee and if the Chancellor concurs with the recommendation, his or her decision shall be final.
- B. If the Chancellor either: (1) does not accept a Committee recommendation that is favorable to the aggrieved employee; or, (2) concurs in a Committee recommendation that is unfavorable to the aggrieved employee; or, (3) reaches a decision not to advise adjustment in his or her favor, the aggrieved employee may appeal the

Chancellor's decision to the Board of Trustees. The aggrieved employee must file written notice of appeal with the Board of Trustees by submitting such notice to the Chancellor within ten calendar days after the date of the Chancellor's decision. The appeal to the Board of Trustees shall be decided by the Board of Trustees. However, the Board may delegate the duty of conducting a hearing to a standing or *ad hoc* committee of at least three members. The Board of Trustees, or its committee, shall consider the appeal on the record, but it may, in its discretion, hear such other evidence as it deems necessary. In all cases, review shall be limited to the question of whether the Chancellor committed clear and material error in reaching his or her decision. The Board of Trustees' decision shall be made within 120 calendar days after the Chancellor has received the aggrieved employee's request for an appeal to the Trustees.

- C. The aggrieved employee may, within ten calendar days after receiving the Trustees' decision, file a written petition for review with the Board of Governors if he or she alleges that one or more specified provisions of The Code of The University of North Carolina have been violated. All such petitions to the Board of Governors shall be transmitted through the President.

Questions should be directed to the Chair or any member of the EPA Non-Faculty Grievance Committee, to the Associate Vice Chancellor for Human Resources, or to the Vice Chancellor and General Counsel.