

Grievance Policy and Procedure

GRIEVANCE POLICY AND PROCEDURE FOR ADMINISTRATIVE AND PROFESSIONAL FACULTY

Authority: Board of Visitors, Policy and Procedure for Resolving Grievances, adopted June 3, 1990.

The University of Mary Washington Grievance Policy and Procedure for Administrative and Professional Faculty provides a formal way for A/P Faculty to address work-related concerns. Procedural issues, substantive questions and/or alleged violations and other questions relating to this procedure should be addressed to the Associate Vice President for Human Resources, AA/EEO and AA/EEO Officer.

The time frames set forth in this procedure serve as guidelines and should be followed as closely as possible. They are not intended to discourage the filing or resolution of a complaint.

Coverage

All A/P Faculty are eligible to use this procedure.

Definitions of a Grievance

Complaint: a complaint made by an A/P Faculty member concerning a decision, action, lack of action or the application of a University policy which directly and adversely affects the work activity, professional or personal well-being of the individual and which can be corrected by the University.

Exceptions

Grievance procedure is not applicable to any action related to the following, unless allegedly based on a discriminatory factor:

- The reassignment of duties
- The nonrenewal of a contract
- The evaluation of performance
- The denial of promotion
- Compensation matters and/or benefits

The contents of established personnel policies, rules, procedures, regulations, ordinances and statutes

Procedures

Attempt at Informal Resolution

The grievant should meet with the Associate Vice President for Human Resources, AA/EEO to discuss his or her complaint as soon as possible, but no later than 30 calendar days following the event or action which is the basis for the grievance. If the allegation is one that is within the purview of these procedures, the Associate Vice President for Human Resources, AA/EEO will attempt to resolve the complaint with the appropriate individual. If no resolution is obtained, the employee may continue with the filing of a formal grievance.

Filing of the Grievance

The first step for the complainant is to prepare a written and signed "Statement of Complaint", providing the following information:

- The issue being grieved;
- A clear statement of the facts upon which the complaint is based, including an explanation of how the person has been adversely affected (failure to submit such a statement of facts may result in the matter complained of to be declared nongrievable);
- An identification of the person(s) or the University policy or procedure considered responsible for the complaint and an explanation of why the person(s) is considered responsible or why the University policy or procedure is considered improper;
- A copy of any pertinent Board of Visitors or University policies or regulations, state statutes, contractual agreements or other documents of custom or practice upon which the complainant relies; and
- A statement of the specific relief sought.

This form should be presented to the Cabinet Vice President over the complainant's department. S/he will meet with the complainant and provide written response to the grievance within 10 working days.

Panel Hearing

Request

In the event the complainant is not satisfied with the response of the vice president, the individual may request a panel hearing within five working days after receipt of the step-one decision.

The request for a panel hearing shall be made on University of Mary Washington Form B, which can be obtained from the Office of Human Resources, AA/EEO. The completed form shall be returned to the Associate Vice President of Human Resources, AA/EEO. The complainant will provide the following information:

- A list of witnesses to be present at the panel hearing, and
- The identification of any counsel, advisor or observer to be present at the hearing.

This form together with the University of Mary Washington Form A will constitute formal application for a panel hearing. The Associate Vice President for Human Resources, AA/EEO and AA/EEO Officer shall transmit the forms to the President of the University within five working days after receipt of them.

Method of Selecting Panel Members

A panel of three shall be selected in the following way: 10 days following the completion of the University of Mary Washington Form B, the complainant shall designate one member, the Executive Assistant to the President shall designate one member, and these two members shall jointly select a third panel member.

Conduct of the Panel Hearing

Organization of the Panel and the Hearing

The panel shall then select a chairperson and set a date, time and place for the hearing. The hearing shall be held as soon as practicable but no more than 10 working days after the panel has been selected. The complainant shall be notified in writing of the hearing date, time and place. Before the hearing, the Associate Vice President for Human Resources, AA/EEO and AA/EEO Officer will supply the panel members with the complaint forms.

With the consent of both parties, the panel may extend any or all of the applicable time periods established in this hearing.

Conduct of the Hearing

The panel shall determine the propriety of attendance at the hearing of persons not having direct interest in the hearing.

The panel may at the beginning of the hearing ask for statements clarifying the issues involved.

The hearing shall be recorded, and a copy of the recording may be supplied to the complainant at his or her request for the cost of the tape.

Exhibits when offered by the complainant or the University may be received in evidence by the panel; and when so received, shall be marked and made part of the record.

First the complainant and then the University official or their representatives shall present their claims, proofs and witnesses (who shall submit to questions or other examination). The panel may, at its discretion, vary this procedure, but shall afford full and equal opportunity to all parties and witnesses for presentation of any material or relevant proofs.

The parties may offer evidence and shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel shall judge the relevancy and materiality of the evidence offered. All evidence shall be admitted and received in the presence of the panel and of the third parties.

Decision

The panel will operate on the basis of a simple majority vote.

When all claims, evidence and proofs are received from both parties, the panel shall deliberate in private and transmit its recommendations within five working days after the hearing to the President of the University.

The President shall notify all parties of his or her decision within five working days after receipt of the recommendation of the panel.

Appeal

If the President's decision is not acceptable to the complainant, the individual may appeal the decision to the Executive Committee of the Board of Visitors.

To accomplish this, the complainant should present to the President within 10 working days following the receipt of the President's decision, a written request addressed to the Rector for a hearing by the Executive Committee of the Board of Visitors. Within 30 days after receipt of a request from the complainant, the Rector shall have the Executive Committee of the Board of Visitors review the record of the panel hearing, render a decision and notify the complainant.

The decision of the Executive Committee shall be final, with all determinations relating to the University position on the complaint. Failure to comply with the decision of the Executive Committee or reprisals as a result of the decision shall be cause for disciplinary action.