

Name of Policy: [Grievance procedure](#)

Policy Number: 3364-72-07

Approving Officer:

(1) The term "grievant" means an instructional staff member or group of instructional staff members not within the bargaining unit involved in a grievance.

(2) As used in this p

response to the grievance, including reasons, on the original grievance form, to the grievant. If the grievant does not accept the answer provided at this step, the grievant may, within five (5) days, appeal, on the original grievance form, to the Provost and Executive Vice President for Academic Affairs (or designee) for

- (d) The grievant and respondent are entitled to attend all hearings. The University Grievance Appeals Board shall have the power to excuse from the proceeding any witness or witnesses during the testimony of other witnesses. It shall be discretionary with the University Grievance Appeals Board to determine the propriety of the attendance of any other persons.
- (e) The University Grievance Appeals Board for good cause shown, may adjourn the hearing upon the request of a party or upon its own initiative, and must adjourn when all the parties agree thereto.
- (f) All decisions of the University Grievance Appeals Board shall be in writing, signed by a majority of the Board. The finding and recommendation to the President shall also be made by majority vote. Should the Board deadlock, it shall forward to the President a statement of the relevant facts and position and arguments of each party without recommendation.
- (g) A hearing shall be opened by the recording of the place, time, and date of hearing, the presence of the members of the University Grievance Appeals Board, the parties and counsel, if any, the receipt by the University Grievance Appeals Board of the Grievance Document, administrative answers, and any stipulation agreed to by the parties.

Exhibits, when offered by either party, may be received in evidence by the University Grievance Appeals Board and shall be provided to the opposing party. The names and addresses of all witnesses and exhibits in order received shall be made a part of the record. All parties shall have the right to cross examine the witnesses and challenge the exhibits of the opposing party.

Except in cases of discipline, the grievant shall present first. In all cases the University Grievance Appeals Board shall afford full and equal opportunity to all parties for presentation of relevant evidence.

- (h) The hearing may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. A finding and recommendation shall not be made solely on the default of a party. The University Grievance Appeals Board shall require the other party to submit such evidence as may be required for the making of a finding and recommendation.
- (i) The parties may offer such evidence as they desire and shall produce such additional evidence as the University Grievance Appeals Board may deem necessary to an understanding and determination of the dispute. The University Grievance Appeals Board shall have the authority to compel

the testimony of any employee of the University or the production of any document in the possession of the parties not protected by attorney-client privilege. The University Grievance Appeals Board shall be the judge of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of all the members of the University Grievance Appeals Board and all the parties except where any of the parties is absent in default or has waived its right to be present.

- (j) The University Grievance Appeals Board may receive and consider the evidence of witnesses by affidavit, giving it only such weight as seems proper after consideration of any objections made to its admission.

All documents not filed with the University Grievance Appeals Board at the hearing, but which are arranged at the hearing or subsequently by agreement of the parties to be submitted, shall be filed simultaneously with the University Grievance Appeals Board and all other parties with certification of service to all the other parties provided to the University Grievance Appeals Board by the submitting party.

- (k) Whenever the University Grievance Appeals Board deems it necessary, it may make an inspection in connection with the subject matter of the dispute after written notice to the parties who may, if they so desire, be present at such inspection.
- (l) The parties may provide, by written agreement, for the waiver of oral hearings.
- (m) At the close of the hearing the chairperson of the University Grievance Appeals Board shall inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the chairperson of the University Grievance Appeals Board shall declare

Upon receipt of the University Grievance Appeals Board's finding and recommendation the President shall, within fifteen (15) days, make a final decision on the grievance. The grievant and all other affected parties shall be informed in writing of the President's decision.

(E) Standard of review

The University Grievance Appeals Board shall review decisions on the basis of the following questions:

- (1) Were prescribed procedures followed?
- (2) Were prescribed criteria applied?
- (3) Was the application of the criteria in the grievant's case clearly erroneous?

Decisions of the Board shall be based on a preponderance of the evidence presented to the Board. It shall not consider any documentation or testimony taken outside the hearing unless by mutual consent of the grievant, the University and the Board.

(F) Remedies

All officers (Dean, Provost, UGAB) hearing a grievance shall be bound by the following:

- (1) Their decisions shall be limited to only the question or questions submitted for their decision.
- (2) If error is found, the matter grieved shall be returned to the level of error with instructions to proceed in accordance with the University Grievance Appeals Board's decision.
- (3) They shall not render any decision which would result in the violation of university policy or a public statute or regulation.

Approved by:

/s/

Lloyd A. Jacobs, M.D.
President

June 11, 2012

Date

Reviewed by:

*Provost and Executive Vice
President for Academic Affairs
Chancellor and Executive
Vice President for Biosciences
and Health Affairs*