PREAMBLE

East Carolina University is committed to fair and equitable treatment for all employees. 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 workforce size, recruitment, training, work assignments, hours of employment, promotion, demotion, transfer, or dismissal, all according to State and University policies.

Where there are concerns or problems related to employment, employees, their co-workers and their supervisors are strongly encouraged to find informal means of resolving them. Employees are strongly encouraged to talk over any workplace concerns, problems, or grievances with supervisors. All reasonable efforts should be made to solve work-related problems at the lowest level of authority as is possible.

ECU is in the process of developing a program that provides for mediation and other means of alternate dispute resolution to assist employees with the resolution of interpersonal disputes. The program will provide consensual resolution alternatives as an addition to the other complaint or grievance procedures available through the University. Once the program is fully implemented, it is expected that ECU employees will utilize this service prior to pursuing a formal grievance. In the event that an informal resolution cannot be reached, the employee may pursue a formal grievance in accordance with university policies and procedures dealing with specific employee complaints (such as racial or sexual harassment) and in accordance with sections II –III below.

I. General Considerations:

A. The University has established this Grievance Process and Procedures for those grievable actions stated in II.C. below that are unresolved through discussions and/or other informal means.

B. 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 an employee, a witness, an employee assistant, or as a Grievance Committee member.

C. At any point during a grievance, an employee may have assistance with his/her grievance as outlined in Section III.A.3 and Section III.B.6, respectively of this document.

II. The EPA Non-Faculty Grievance Committee

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1 For purposes of this process, “Employees Exempt from the State Personnel Act” includes Senior Academic and Administrative Officers as defined in Section I.B and governed by Section III of the UNC policy 300.1.1, and employees designated within the non-teaching EPA Instructional or Research category under G.S. 126-5, and as defined in UNC Policy 300.2.1.
A. Composition of the Committee

The Chancellor shall appoint five (5) regular committee members and three (3) alternate members representing EPA non-faculty employees from within each of the divisions of the university. Initial regular appointments to the committee shall be made as follows: one member shall be appointed to a one-year term; two members shall be appointed to two-year terms; and two members shall be appointed to three-year terms. Subsequently, regular members of the committee will be appointed to three-year terms in order to maintain continuity on the committee.

All regular and alternate members of the committee must be subject to the ECU Employment Policy for EPA Non-Faculty Employees Exempt from the State Personnel Act (hereinafter referred to as "Policy"). No division shall have more than one representative on the committee at a given time.

The initial five regular members of the committee will be appointed from among the following current divisions: Academic Affairs; Administration and Finance; Advancement; Athletics; Chancellor’s Division; Health Sciences; Research and Graduate Studies; and Student Life. In addition to the five regular members of the committee, three (3) alternates will be appointed to fill the unexpired terms of regular members or to serve in the event that a regular member is not available to serve or must recuse himself/herself because of a conflict of interest or if the employee is a member of the committee member's department.

Alternates will initially be appointed to represent the remaining divisions not represented by the five regular appointees. Initial alternate member appointments to the committee shall be made as follows: one alternate will be appointed to a one-year term; one alternate will be appointed to a two-year term; and one alternate will be appointed to a three-year term.

Upon expiration of a regular member’s term, a new member of the committee will be appointed from among the three alternates and a new alternate will be appointed to represent the division where the regular member’s term has expired. This process will be continued in like manner as regular members’ terms expire.

The committee’s membership year is July 1 through June 30. New appointees assume membership on July 1 and expiring terms end on June 30 of each year.

A committee member may not participate in the review of an appeal he or she brings on his or her own behalf or in any case in which he or she has been involved.

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2 The Chancellor may designate an individual to fulfill this responsibility if he or she chooses to delegate this assignment.
B. **Appointments to the Committee**

For initial appointments, and subsequently on an annual basis in May, the Chancellor shall send a memorandum to the heads of the divisions noted above requesting nominees to fill vacancies which occur when a regular or alternate member’s term on the committee expires. The Chancellor sends a letter of appointment to the selected individuals to fill the expired terms of regular and alternate members. Members are eligible to serve more than one term; however, appointees may not serve more than two consecutive three-year terms. A member may be reappointed by the Chancellor after waiting at least three-years from the expiration of his or her second consecutive three-year term.

When a vacancy occurs during a regular or alternate member's term due to inability to continue through the reminder of the unexpired term, the Chancellor will solicit a nomination from the head of the division represented by that regular or alternate member. The Chancellor will send a letter of appointment to the individual(s) selected to fill the unexpired term of the regular or alternate member(s).

The chair of the committee will be elected annually in July from among the regular members. The committee will also elect a vice chair, who will preside in the event that the chair is unable to fulfill the requirements of this position.

C. **Roles and Responsibilities of the Committee**

The Committee hears grievances brought by EPA Non-Faculty employees covered by the Policy. 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.

The Committee has jurisdiction to hear grievances concerning discharge for cause or other disciplinary action, or of grievances concerning the interpretation and application of any provision of the Policy; provided, however, that grievances concerning discontinuations or terminations of employment with notice, pursuant to Sections IV(A)-(B), and (D) of the Policy, may only be brought upon allegations of violations of the applicable notice requirements or violations of any provision of Section VI (Discrimination Prohibited) or Section VII (Political Activity) of the Policy.

III. **EPA Non-Faculty Grievance Procedures**

A. Grievances concerning discontinuation of employment with notice pursuant to Section IV(A) of the Policy or non-reappointment pursuant to Section IV(B) of the Policy or allegation of violation of Section VI or VII of the Policy.

1) **Written Statement of Grievance Required.** A formal grievance may be filed only after the employee has attempted to resolve the grievance with his or her Department Chair, Dean, or Administrative Official most directly empowered to make adjustments or an appropriate official as identified in applicable University policy. If the employee then wishes to file a formal grievance, a written grievance statement (hereinafter Statement) must be filed with the chair of the Grievance Committee. The Statement must include the following:
a. The specific nature of the grievance;
b. The identity of all parties against whom the grievance is filed;
c. The resolution being sought;
d. The identity of the employee assistant, if any, and whether or not the employee assistant is an attorney. "Attorney" is defined as anyone with a Juris Doctorate, or other recognized law degree, regardless of whether or not that person is licensed to practice law in the State of North Carolina and/or whether or not that person is "representing" the employee; and
e. The specific steps that have been undertaken to try and resolve the grievance prior to filing a formal Statement of Grievance.

Absent exceptional circumstances, the signed, written Statement shall be submitted within twenty (20) working days of the decision cited in the grievance or within twenty (20) working days from the last attempt at informal resolution to the grievance cited in the Statement. The deadline for submitting the Statement may be extended only if, in the judgment of the committee chair, there are significant extenuating circumstances. The act of filing a grievance does not extend employment.

2) Convening the Grievance Committee. Upon receipt of the Statement, but no later than ten (10) working days after receipt of the Statement, the Chair shall convene the committee for its initial meeting. At this meeting the Chair shall provide the members of the committee with an orientation covering the role and responsibilities of the committee and a review of the grievance process. After the orientation, the Chair shall review the grievance Statement and the Committee shall determine whether the matter as stated falls within the jurisdiction of the Committee or if the grievance should be dismissed if the grievance as stated is not a grievable issue or falls outside the purview of the Committee. Relevant considerations include, but are not limited to, the employment status of the employee, the subject matter of the grievance and the timeliness of the grievance.

If the matter is not properly grievable, the committee may:

a. Allow the employee to amend the grievance statement in writing within five (5) working days of the committee meeting; or

b. Dismiss the grievance in writing for failure to state a grievance that was properly grievable.

If the matter is properly grievable, the chair shall, within ten (10) working days, forward a copy of the grievance Statement to the person(s) against whom the grievance is filed (the respondent(s)), together with notice that a written response to the grievance must be provided to the chair and the employee within ten (10) working days. A copy of the Grievance Statement must also be submitted to the University Attorney and the appropriate vice chancellor.

3) Attorneys and Employee Assistants. Although active participation by legal counsel during the grievance hearing is not allowed, the employee is entitled to have one third-party assistant of the employee’s choice present. A third-party assistant may be an attorney; however, the attorney, unlike other assistants, may not participate in the hearing
process. A third-party assistant is someone who accompanies the employee to meetings and/or assists the employee in preparing for meetings, etc.

The Office of the University Attorney may provide an attorney to advise and act as an assistant for respondent(s) if the employee has an assistant who is an attorney. Any attorney from the Office of the University Attorney who advises a party on the merits of the grievance may not advise the Chancellor or the Board of Trustees on any appeal of that grievance.

The Office of the University Attorney may designate an attorney to provide procedural advice to the committee upon request. Any attorney who assists the committee may not discuss the merits of the case with any party, observer, or other attorney and shall not act as an advocate for or against any party when advising the committee on procedure. This attorney may advise the Chancellor or/and Board of Trustees on any appeal of that grievance.

4) **Grievance Hearings - Timing and Information Exchange.**

a. Only if the committee chair is aware of significant extenuating circumstances shall the starting date of the hearing be delayed beyond four weeks from the date the respondent(s) submits his/her/their written response. The Chair shall notify the employee and the respondent(s) in writing of the dates and location of the hearings.

b. The committee Chair may require the parties to exchange witness lists and copies of exhibits the parties wish to introduce at the hearing, and the committee Chair may specify that the exchange occur a certain number of days in advance of the hearing. If a party wishes to introduce documents or witnesses at the hearing that were not included in a pre-hearing exchange, the committee chair shall decide whether there is a good reason for accepting such evidence. Any pre-hearing exchange of proposed exhibits shall be between the parties only, and in no case shall information be provided to the committee prior to the hearing. Exhibits must be numbered sequentially and identified by the party. References to the documents during the hearing should be by exhibit number with page references as applicable.

5) **Guidelines for the Conduct of Grievance Hearings.**

a. **Notices of Meetings.** The chair of the grievance committee shall send notices of the scheduled meetings to all committee members, the employee and respondent(s) participating in that meeting. The chair must notify all parties of any amendment to the grievance.

b. **Committee Participation.** Hearings shall be conducted with the chair and all five committee members present. If the membership of the Committee is for any reason inappropriate in a particular case in the judgment of the membership, then a representative of the committee may submit a written recommendation to the Chancellor that changes in membership are necessary to ensure objective and timely review in that case. Upon such request, the Chancellor shall have the discretion to make any changes to the committee, including replacement of the committee chair, that are necessary to have it function effectively. A request to temporarily alter the membership of the committee and the decision of the Chancellor regarding the
disposition of such a request must be in writing and be included in the Official Record.

A committee member may not participate in the review of an appeal he or she brings on his or her behalf or in any case in which he or she has been involved.

c. **Control of Hearings.** The chair shall be the chief decision maker over all stages of the hearings, and over pre-hearing matters. Consistent with the principles of impartiality and equity, the committee chair shall determine, among other things:

i. The order of testimony presentation if it deviates from the standard order described in III.A.5)f., below;

ii. Any additional information or documentation that should be requested;

iii. The order and procedure for questioning the parties and witnesses;

iv. The admissibility of all questions, evidence, and compliance with procedures; and

v. Who may be allowed to attend the hearing. With the exception of persons specifically designated as third-party observers, grievance hearings are not open to the public.

d. **Relevance of Evidence.** The chair of the committee may admit any information determined to be pertinent and the committee shall have access to any available information relevant to the case. The committee chair shall determine whether information or testimony is material and relevant to the issues involved in the grievance and may rule that certain presentations not be considered. All materials submitted to the committee as evidence, including any printed documents, photographs, audio recordings, and video-materials, shall be retained by the committee until its final report is complete, at which time both the evidence and material excluded from evidence shall be incorporated into the Official Record and forwarded to the Chancellor along with the final report. If material is excluded from evidence, the chair shall make a record of the reasons.

e. **Testimony.** Parties shall have the right to testify, to present testimony of witnesses and other evidence, to hear and question witnesses, and to examine all documents and other information considered by the committee. If a witness cannot or will not appear, and the committee chair determines that testimony of the witness should be admitted into evidence, the committee chair shall identify the witness, disclose the statement of the witness and, if possible, provide for questions. So long as it does not substantially delay the hearings process, the committee chair may, at his or her discretion, call a recess so that reasonable time is provided for the examination of all evidence and for the preparation of appropriate responses.

f. **Order of presentation.** In the standard order of presentation, the employee makes an opening statement, and then the respondent(s) makes an opening statement if desired. Next, the employee presents his or her case through the employee’s own testimony, exhibits and witnesses. If the committee decides that the employee’s evidence is insufficient to support a grievable matter justifying remedial action that would shift the burden of presenting evidence to the respondent(s), then the committee shall dismiss the grievance. If the committee decides that the employee’s evidence is sufficient to state a grievable matter justifying remedial action, then the committee
chair will ask the respondent(s) to present evidence through the testimony of parties, exhibits, and witnesses. Additional testimony from the employee and from the respondent(s) then may be permitted by the committee.

If the entire grievance is dismissed following the employee’s case, a report shall be prepared in accordance with this policy and the report and the record of the proceedings forwarded to the Chancellor. If the grievance is dismissed only in part, the final report shall address all allegations, including those dismissed after presentation of the employee’s case.

After all evidence has been presented, the employee may make a closing statement, followed by the respondent(s), and a last statement by the employee. The committee chair should set a time limit for opening and closing statements, and should prohibit the discussion of any new information in closing statements. The order of presentation may be modified at the committee chair’s discretion so long as each party gets an opportunity to testify and ask questions of other parties and witnesses.

g. **Questioning of Witnesses.** Following each party’s and witness’s testimony, the committee chair should allow questions from the other parties. The committee members may ask questions of the parties and witnesses at any time. The committee chair shall have the prerogative to determine the appropriateness of all questions and the method of questioning. The committee chair should not allow any questioning that is irrelevant, immaterial, unduly repetitious, or abusive.

h. **Confidentiality.** Members of the grievance committee, parties and witnesses shall maintain strict confidence concerning all aspects of the grievance process. This is generally required by state law as well as university policy. Any breach of confidentiality, which in the judgment of the committee compromises or substantially affects the process, may result in a committee decision to terminate the grievance process. In this event, the committee shall advise the Chancellor as to whether or not another grievance committee should be formed to hear the case. Access to material placed in evidence and to any records of proceedings shall be strictly limited for the duration of the hearings procedure to members of the committee, persons who have a need to know as part of the process (witnesses, observers, etc.) and the parties.

i. **Hearings Records.** The chair of the committee shall arrange to record through a court reporter, all hearings and maintain such other written records, as he/she considers appropriate. The expense of the court recorder shall be borne by the University. No other recordings of the hearings will be allowed. At any stage prior to submission of the Official Record to the Chancellor, any party to the grievance shall be granted, under supervision of the committee chair, access to the tapes and other committee records. After the Official Record is delivered to the Chancellor, access shall be determined in accordance with state personnel records law. Once the Official Record has been delivered to the Office of the Chancellor, or a grievance is terminated, committee members must destroy extra copies of documents comprising the Official Record. Any other or unique records pertaining to the grievance, including personal notes of committee members, must be retained in accordance with state public records law and sent to the Chancellor’s Office as part of the Official Record.

A written transcript of all proceedings shall be kept; upon request, a copy thereof shall be furnished to the employee at the University’s expense.
j. **Withdrawal of Grievance.** At any time prior to submission of the committee’s final report, the employee shall have the right to withdraw the grievance by submitting a written request to the committee chair. Receipt of this request shall cancel the proceedings, and the Official Record of the hearings shall consist only of the following:

   i. Names of committee members and its chair;
   ii. Date committee was formed;
   iii. Dates of any grievance hearings;
   iv. Date of withdrawal;
   v. The withdrawal request; and
   vi. The grievance Statement.

The committee chair shall promptly transmit the Official Record and all other documents to the Chancellor, who shall in turn discharge the grievance.

k. **Amendment of Grievance.** Once the grievance hearings begin, the employee shall not have the right to amend the grievance without the unanimous vote of the committee. If any amendment to the grievance is allowed, the committee chair must promptly notify all parties of this action and defer subsequent proceedings until the other parties have had the opportunity to respond to this revision. A respondent shall have at least two (2) weeks to respond to any amended grievance.

l. **Prompt Action.** The committee shall attempt to complete its task within six (6) weeks after the first hearing, excluding the initial meeting of the committee.

6) **Deliberations and Report of the Grievance Committee.**

   a. Upon the conclusion of the grievance hearing, the grievance committee shall deliberate and decide whether to sustain all or any part of the grievance. The chair of the committee shall be present during the committee’s deliberations and may instruct the committee regarding its jurisdiction and other grievance related matters. The chair may participate in the discussions but may not vote or veto the decision of the committee.

   b. The committee’s decision must be based solely on material presented in the grievance. The committee should be careful not to simply substitute its judgment for that of the respondent(s). Rather, the committee should decide if the decision being grieved was reached for improper or unfair reasons (e.g., was it based on irrelevant factors such as age or race or political views, or were personnel procedures violated to the prejudice of the employee). The burden is on the employee to establish by a preponderance of the evidence that the employee has experienced an injury that would entitle the employee to relief and that such injury is remediable.

   c. The chair of the grievance committee shall be responsible for ensuring that a written report of the committee’s findings and recommendations is prepared. The report should state a separate finding for each particular issue of the grievance, make findings that resolve the material issues of fact that have been disputed, address any minority views and provide a recommendation for disposition of the grievance. Prior to finalizing the report, the chair will provide a copy of the report to members of the
committee for review, comment, and approval. Any member who does not concur in the report may submit a separate minority report, which shall be appended to the committee’s report.

d. The chair of the grievance committee shall transmit the committee’s report and the Official Record as follows:

If the committee’s recommended decision determines that an adjustment in favor of the employee is appropriate, the chair of the committee shall send the report first to the employee and respondent(s). If the recommended adjustment, or a different adjustment satisfactory to the employee, is not made by respondent(s) within twenty (20) working days of receipt of the report, the chair of the grievance committee shall forward the report to the Chancellor, together with the Official Record of the grievance. If a mutually agreed upon adjustment is made within twenty (20) working days of receipt of the report, the respondent(s) shall provide written notice to the chair of the grievance committee with a copy to the employee. Upon receipt of the written notification from respondent(s), the chair shall notify the committee, and the Chancellor, that the grievance has been resolved by mutual agreement of the parties and forward the Official Record of the grievance to the Chancellor. The Chancellor shall thereupon officially discharge in writing the grievance.

If the committee’s recommended decision determines that no adjustment in favor of the employee is appropriate, the chair of the committee shall send the committee’s report, along with the Official Record of the grievance to the Chancellor. A copy of the report shall be sent to the parties.

The committee may write a separate report to the Chancellor recommending any changes within the university that might prevent similar grievances in the future, or any proposed improvements in the grievance procedure.

7) Response of the Chancellor to the Report of the Committee

Upon receipt of the committee’s report, the Chancellor may accept or reject any or all findings and recommendations of the grievance committee, may remand the matter to the committee for further consideration of the grievance, or may seek clarifying information from the committee. The Chancellor shall notify the employee of the final decision by registered mail within twenty (20) working days, return receipt requested. Copies of the decision shall be sent to the respondent(s) and members of the grievance committee.

8) Official Record

a. The Official Record of a grievance hearing shall consist of all correspondence pertaining to the grievance and every item, piece of information, document and exhibit that was either submitted to or given consideration by the committee, along with the court reporter’s transcript of the hearing. All documentation relevant to the committee’s procedural rulings, factual findings, recommendations, and any other aspects of its final report should be included in the Official Record.

b. If the committee decided that certain information offered by a party or witnesses should be excluded from consideration, the decision to exclude should be recorded.
for the record and the excluded information should be kept as part of the Official
Record but segregated from the information that was accepted as evidence.

c. The Official Record should include a table of contents so that every document and
record can be easily identified and located. The Official Record should be forwarded
to the Chancellor along with the committee’s final report.

9) Appeals from the Decision of the Chancellor.

If the Chancellor concurs in a recommendation of the Committee that is favorable to the
employee, his or her decision shall be final. If the Chancellor declines to accept a
committee recommendation that is favorable to the employee or concurs in a Committee
recommendation that is unfavorable to the employee, the employee may appeal the
Chancellor’s decision to the Board of Trustees. The appeal shall be transmitted through
the Chancellor and be addressed to the Chair of the Board of Trustees.

Notice of Appeal shall be filed within ten (10) working days after the employee receives
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 review to
a standing or ad hoc committee of at least three (3) members. The Board of Trustees, or
its committee, shall consider the appeal on the record. 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 60
calendar days after the Chancellor has received the employee’s request for an appeal to
the Trustees. The decision shall be final except that the employee may, within ten (10)
working days after receiving the Trustees’ decision, file a written Statement for review
with the Board of Governors if he or she alleges that one of more specified provisions of
The Code of The University of North Carolina have been violated. All such Statements
to the Board of Governors shall be transmitted through the President.

B. Grievances Concerning Discharge for Cause

1) The penalties of discharge or suspension may be imposed only in accordance with the
procedures set forth in this section. When an employee has been notified of the
University’s intention to discharge the employee, the Chancellor may suspend the
employee at any time and continue the suspension until a final decision concerning
discharge has been reached by the Chancellor. Suspension shall be with full pay.

2) The Executive Officer of the employee’s division (i.e., appropriate Vice Chancellor or
Director if there is no appropriate Vice Chancellor) shall send the individual by certified
mail, return receipt requested, a written statement of intention to discharge or suspend the
individual. The statement shall include notice of the individual’s rights, upon request, to
both written specification of the reasons for the intended action and a hearing.

3) If, within five (5) working days after the employee receives the notice of intent to
discharge, the employee makes no written request for either a specification of reasons or
a hearing, he or she may be discharged without recourse to any University grievance or
appellate procedure.

4) If, within five (5) working days after he or she receives notice, the employee makes
written request, by certified mail, return receipt requested, for a specification of reasons,
the Executive Officer shall supply such specification in writing by certified mail, return receipt requested, within five (5) working days after receiving the request. If the employee makes no written request for a hearing within five (5) working days after he or she receives the specification, the employee may be discharged without recourse to any University appellate procedure. If the employee makes written request for a specification of reasons and if upon receipt of the specification, wishes to appeal the specification of reasons for discharge, then the employee must make a formal request for appeal within five (5) working days from receipt of the specification.

5) If the employee makes a timely written request for a hearing within five (5) working days, a hearing shall be accorded before the Grievance Committee. The hearing shall be on the written specification of reasons for the intended discharge. The hearing committee shall accord the employee ten (10) working days from the time it receives his or her written request for a hearing to prepare for the hearing. The Committee may, upon the employee's written request and for good cause, extend this time by written notice to the employee and to the Chancellor.

If the membership of the Committee is for any reason inappropriate in a particular case in the judgment of the membership, then a representative of the committee may submit a written recommendation to the Chancellor that changes in membership are necessary to ensure objective and timely review in that case. Upon such request, the Chancellor shall have the discretion to make any changes to the committee, including replacement of the committee chair, that are necessary to have it function effectively. A request to temporarily alter the membership of the committee and the decision of the Chancellor regarding the disposition of such a request must be in writing and be included in the Official Record.

A committee member may not participate in the review of an appeal he or she brings on his or her behalf or in any case in which he or she has been involved.

6) The hearing shall be closed to the public. The employee shall have the right to have an employee assistant present during such hearing who may advise the employee, but who may not otherwise participate. The employee may present the testimony of witnesses and other evidence, confront and cross examine adverse witnesses, and examine all documents and other adverse demonstrative evidence. The admissibility of evidence shall be determined by the chair of the hearing committee. A written transcript of all proceedings shall be kept; upon request, a copy thereof shall be furnished to the employee at the University's expense.

The employee must submit to the Chair of the Grievance Committee within three (3) working days of his/her request for hearing the identity of his/her employee assistant, if any, and whether or not the employee assistant is an attorney. “Attorney” is defined as anyone with a Juris Doctorate or other recognized law degree, regardless of whether or not the person is licensed to practice law in the State of North Carolina and/or whether or not that person is “representing” the employee.

7) The burden of proof shall be on the Executive Officer, or the Executive Officer’s designee of the employee’s division, and they may participate in the hearing to present evidence, cross-examine witnesses, and make arguments. The Executive Officer may be accompanied by an employee assistant who may advise the Executive Officer at the hearing, but who may not otherwise participate.
8) In reaching decisions on which its recommendations to the Chancellor shall be based, the Committee shall consider only the evidence presented at the hearing and such written and oral arguments as the Committee, in its discretion, may allow. The Committee shall make its written recommendations to the Chancellor within ten (10) working days after its hearing concludes.

Upon receipt of the Grievance Committee’s recommendations, the Chancellor may accept or reject any or all findings and/or recommendations of the Committee, may remand the matter to the Committee for further consideration of the grievance, or may seek clarifying information from the Committee. The Chancellor's decision shall be in writing and shall be sent to the employee certified mail, return receipt requested, with copies to the respondent(s) and members of the Committee.

9) Appeals

a. If the Chancellor concurs in a recommendation of the Committee that is favorable to the employee, the Chancellor’s decision shall be final. 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 fifteen (15) working days of receipt 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 review to a standing or ad hoc committee of at least three (3) members. The Board of Trustees, or its committee, shall consider the appeal on the record. 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 60 calendar days after the Chancellor has received the aggrieved employee’s request for an appeal to the Trustees.

b. The aggrieved employee may, within ten (10) working days after receiving the Trustees’ decision, file a written Statement 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 Statements to the Board of Governors shall be transmitted through the President.

Questions concerning the provisions of this process 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 Office of the University Attorney.

Approvals:

Chancellor: October 12, 2005
Board of Trustees: December 16, 2005