

# EAST CAROLINA UNIVERSITY FACULTY MANUAL

## PART XII

### Faculty Grievance Policies and Procedures

## PART XII – FACULTY GRIEVANCE POLICIES AND PROCEDURES

### SECTION IV

#### Grievance Procedures for Complaints of Unlawful or Prohibited Harassment, Discrimination or Improper Relationships Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status

(Text moved from former Appendix X)

#### CONTENTS

- I. Preamble
  - II. Grievance Procedures
  - III. Post Level Two Grievance Procedures
  - IV. Grievance Board Procedural Flowchart
  - V. Annual Report
- 

#### I. Preamble

- A. Federal and state laws and/or university policies protect individuals from harassment or discrimination based on age, color, creed, disability, genetic information, national origin, political affiliation, race/ethnicity, religion, sex/gender, sexual orientation, or veteran's status. For a list of definitions of each protected class see <http://www.ecu.edu/cs-acad/edc/ProtectedClassGrievances.cfm>

The formal procedures enumerated in this section assure individuals who believe that they are the victims of unlawful or prohibited harassment, discrimination, or improper relationships that their grievances will be dealt with fairly and effectively. "Improper relationships" in the context of this Appendix refers to an improperly executed or exploited supervisory relationship by engaging in a consensual amorous relationship with students or other University employees whom the employee is or will be supervising or evaluating, or by engaging in any sexual activity with any enrolled student of the institution, who is minor, other than his or her spouse as prohibited by University policies. Unless a victim of illegal harassment or discrimination, a person reporting an alleged amorous relationship who is not a party to this relationship lacks standing to seek an appeal under these grievance procedures.

The *East Carolina University Faculty Manual* (Part XII, Section II) elaborates on policies related to harassment and discrimination in the *Harassment and Discrimination Policies and Procedures of East Carolina University*. The University Policy on Improper Relationships Between Students and Faculty addresses [policy 300.4.1](#) of the Board of Governors of the University of North Carolina concerning improper relationships between students and employees.

- B. Unlawful or prohibited harassment, discrimination, or improper relationships violates East Carolina University's policies and will not be tolerated. Members of the University community are encouraged to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of unlawful or prohibited harassment, discrimination or improper relationships prohibited under the policies stated in the *ECU Faculty Manual*. East Carolina University will take every step to resolve grievances promptly and confidentially.

- C. Any act by a University employee or student of reprisal, interference, restraint, penalty, discrimination, coercion, retaliation, or harassment against an employee or student for using the applicable policies responsibly interferes with free expression and openness and violates University policy. Accordingly, members of the University community are prohibited from acts of reprisal and/or retaliation against those who file complaints, are involved as witnesses, or otherwise try to use University policies responsibly.
- D. When complaints of harassment, discrimination, or improper relationships have been substantiated, the Chancellor, or the Chancellor's designee, may take such disciplinary action as he or she deems appropriate, including discharge from employment, suspension, or reduction in rank in a manner that is consistent with the policies and procedures stated in the ECU Faculty Manual.
- E. East Carolina University shall investigate anonymous unsigned complaints against faculty and administrators holding faculty status to the extent justified by the content and context of the complaint.

## II. Grievance Procedures

### A. Optional Initiation of Grievance Procedures

Complainant may skip these optional grievance procedures by going directly to II.B. Level One Grievance Procedures. At any time during the optional grievance procedures the complainant or respondent may elect to take the matter to the East Carolina University Office of Equity and Diversity (OED).

#### 1. Discussion with the Department Chairperson

- a. The complainant should make an appointment with the Chairperson or, if the Chairperson is alleged to have engaged in the misconduct, with the Dean. In such a case, skip II.A.1 and go directly to II.A.2. The complainant may request that a conference with the Chairperson be held without the respondent (hereafter, "the respondent" is used in the singular form, even where it may stand for more than one person). At the time of making the appointment, the complainant should state expressly the need to discuss a complaint related to the respondent's employment status. The Chairperson must consult the OED to determine if the complaint alleges conduct so severe as to require immediate reporting to other authorities.
- b. The initial complaint may be made to the Chairperson (or, as provided in II. A.1.a), to the Dean) in writing as a matter of record if the complainant so desires. However, this is not necessary to initiate a complaint by these optional grievance procedures.
- c. The Chairperson (or, as provided in II.A.1.a, the Dean) will set an appointment date with the involved parties as soon as possible after receiving the request; but, in any event, within 7 calendar days after the request, the complaint will be discussed with the involved parties. Either party may request that the meeting with the Chairperson be held without the other party present. The Chairperson should freely discuss the nature of the complaint in a relaxed and informal manner, making every effort to take the corrective action necessary in resolving the grievance to the satisfaction of the involved parties. All parties will be appropriately advised in writing of the corrective action, if any, and the findings and the basis for the decision of the Chairperson within 7 calendar days subsequent to the conference.

#### 2. Discussion with the Dean

- a. If the complaint is not resolved to the satisfaction of all parties in conference with the Chairperson, the complaint should be taken to the appropriate Dean for further evaluation

and consideration. Within 7 calendar days after receipt of the decision of the Chairperson, either party should forward that decision (and the initial complaint, if it was made in writing) to the Dean. Either party may request that a conference with the Dean be held without the other party present. The Dean will respond to the request for an appointment and discuss the complaint with both parties within 7 calendar days after receipt of such request.

- b. The Dean's conference should be conducted in a relaxed and informal manner with the involved parties. The Dean should invite the Chairperson to participate in this conference if doing so is deemed desirable or appropriate, or if the presence of the Chairperson is requested by either party. The Dean should make every effort to take the corrective action necessary in resolving the complaint to the satisfaction of the involved parties. All parties will be appropriately advised in writing of the corrective action, if any, and the findings and the basis for the decision of the Dean within 7 calendar days subsequent to the conference.

### 3. Appeal to the East Carolina University Office of Equity and Diversity ("OED").

If the complaint is not resolved to the satisfaction of either party, the dissatisfied party has the right to appeal the decision to the OED. The appeal should be made within 21 calendar days subsequent to the decision of the Dean and must follow the Level One Grievance Procedures specified below in II.B.

## B. Level One Grievance Procedures

### 1. Reporting the Complaint to the East Carolina University Office of Equity and Diversity

- a. To initiate the process, the complainant may contact the OED office or submit a grievance reporting form, available at <https://oed.ecu.edu/report/>. If this is an appeal from the Dean's decision as specified under II.A.3, the party making such an appeal is known as the complainant in this process.
- b. Complaints concerning harassment, discrimination, or improper relationships submitted in writing to ECU's EEO Officer, who is Vice Provost for Equity and Diversity, should contain at least the following: (a) the complainant's description of the alleged event(s), including times, dates, places, and witnesses, if possible; (b) the complainant's description of the effects, if any, of the alleged event(s); (c) the names of the individuals alleged to have subjected the complainant to harassment or discrimination, or alleged to be involved in a prohibited improper relationship; and (d) the identification and contact information for the complainant. The EEO Officer, or the Officer's designee, is referenced hereafter, as "the Grievance Officer".
- c. The Grievance Officer shall immediately acknowledge receipt of the complaint and, within 14 calendar days from the submission of the complaint, shall schedule a meeting with the complainant to listen to and discuss the complaint. Any of the deadlines set at Level One Grievance, as enumerated in this II.B, may be extended by the Grievance Officer to accommodate delays not reasonably avoidable. Written notice of the new deadline and the reason for the extension shall be provided to the parties and to the Provost. Such extensions must be allowable under applicable law and shall not unduly delay the investigative process.
- d. The Grievance Officer will be available to the complainant, the respondent (hereafter, "the respondent" is used in the singular form, even where it may stand for more than one person), and to possible witnesses to discuss their rights and procedural options, as well as the possible outcomes of these options.

- e. The Grievance Officer shall determine whether evidence exists to sustain the complaint. In making this determination, the Grievance Officer may conduct an investigation. The confidentiality of both the complainant and the respondent will be preserved to the extent required by law.
- f. If the complainant wishes to proceed or the Grievance Officer determines it necessary to proceed with an investigation, the Grievance Officer will provide a written description of the complaint, or a copy of the written complaint, to the respondent at the beginning of the investigation and not later than 14 calendar days following the complainant's or Grievance Officer's decision to proceed with an investigation.
- g. The respondent shall have an opportunity to meet with the Grievance Officer and provide a response to the allegations, both verbally and in writing.
- h. During the investigation of a complaint the Chancellor or appropriate Vice Chancellor may take interim measures, up to and including suspension with pay, to prevent misconduct or retaliation.

## 2. Record

- a. The Grievance Officer will keep a record of the initial and any subsequent discussions between the complainant and the Grievance Officer, and of discussions between the Grievance Officer and respondent. This investigation record will include:
  - i) the documentation referenced in II.B.1.b;
  - ii) the reply of the respondent, if any;
  - iii) and any and all information collected in and relating to the investigation. To the extent allowed by applicable law, the portion of the investigation record referenced in II.B.2.a. (i) and (ii) shall be provided by the Grievance Officer to all parties with all due speed, preferably within 14 calendar days of its compilation.
- b. Within 14 calendar days of receiving a copy of the portion of the investigation record referenced in II.B.2.a. (i) and (ii), the complainant and the respondent may append to this record a written response to each of the factual claims therein. In any case where a written response is appended to the record, this will be noted in the investigation record itself.

## 3. Written Report and Conclusions

Within 21 calendar days after the procedures listed under II.B.1. are met and the investigation record as specified under II.B.2. is completed, the Grievance Officer will submit this record and the Grievance Officer's report of findings and conclusions to the appropriate Vice Chancellor. All parties, including the complainant, respondent, and supervisors, are notified regarding the results of the investigation at the same time to include a report of the Grievance Officer's findings and conclusions, subject to any legally required redactions; however, if there are multiple respondents and/or multiple complainants, each party will receive only such information as is directly related to his or her case.

- 4. The Vice Chancellor shall issue a letter to all parties that may or may not initiate the disciplinary process or take disciplinary action in accordance with University procedures. Each complainant and respondent may obtain by request to the Grievance Officer a copy of the investigation records, redacted to the extent required by law.

## 5. Procedures To Be Followed Upon the Imposition of Sanctions

- a. The Chancellor or the Chancellor's designee may respond to substantiated claims by the imposition of serious sanctions ([The UNC Code, Section 603](#)) lists serious sanctions as discharge from employment, suspension, or demotion in rank) or lesser sanctions, provided that the conditions specified below are met prior to the imposition of sanctions. However, failure of the respondent to cooperate with the investigation (failure to respond to the allegations, or to accept a copy of the report of the investigation, etc.) will not preclude the University from imposing appropriate sanctions if all of the following have occurred:
  - i. The respondent was provided with a written statement or description of the complaint brought against the respondent, signed either by the complainant or the Grievance Officer;
  - ii. The complaint was thoroughly investigated by the Grievance Officer;
  - iii. The reply of the respondent to the complaint was solicited in person and in writing by the Grievance Officer during the investigation of the complaint by the Grievance Officer;
  - iv. The reply of the respondent to the complaint obtained during the investigation of the complaint by the Grievance Officer is noted in the Grievance Officer's report of findings and conclusions; and
  - v. The respondent was provided with the Grievance Officer's written report of the findings and conclusions.
- b. When the disciplinary actions, if any, do not include a serious sanction, either party may, within 28 calendar days from the Vice Chancellor's issuance of a letter responding to the Grievance Officer's report, request an appeal to the Grievance Board in accordance with the Level Two Procedures as specified below in II.C.
- c. When the disciplinary actions include a serious sanction they may -- pursuant to the *ECU Faculty Manual* -- be sequentially appealed to the Due Process Committee and the East Carolina University Board of Trustees. Alleging that one or more specified provisions of *The UNC Code* have been violated, the Board of Trustees decision may be further appealed to the Board of Governors. [The UNC Code, Section 603\(3\)](#) warns that if, within 14 calendar days after receiving the notice of a serious sanction, the faculty member makes no written request for appeal, the faculty member may be discharged or serious sanction imposed without recourse to any institutional grievance or appellate procedure.

#### 6. Options beyond Level One Grievance

When Level One procedures are terminated without being resolved to the satisfaction of either party, both the complainant and respondent have the option of initiating a Level Two Grievance (see II.C). However, if the disciplinary actions include a serious sanction and the respondent wishes to appeal it, such an appeal must be made to the Due Process Committee instead of the Grievance Board.

**(FS Resolution #14-19, March 2014)**

#### C. Level Two Grievance Procedures

1. If either party disagrees with the findings and conclusions in the report of the Grievance Officer, either party may, within 28 calendar days from the Vice Chancellor's issuance of a letter responding to the Grievance Officer's report, notify the Grievance Officer, in writing, to

request a Grievance Board hearing.

2. The possible appeal routes depend on the disciplinary actions stated in the Vice Chancellor's letter to the Grievance Officer:
  - a. If serious sanctions are imposed an appeal may be made by the original respondent within 14 calendar days, only to the Due Process Committee and not to the Grievance Board.
  - b. If they do not include a serious sanction, within 28 calendar days of the disciplinary action taken, either party may notify the Grievance Officer, in writing, to request a Grievance Board hearing.
3. The person (complainant or original respondent) who initiates the Level Two hearing hereafter is known as the grievant and the other party is known as the respondent.
4. Within 7 calendar days after receiving such a request, the Grievance Officer will submit the request, the record, the Grievance Officer's report of findings and conclusions, and the original written complaint to the Chair of the Grievance Board (hereafter, "the Chair"). The Grievance Officer will simultaneously send a copy of these materials to the respondent. Some material may be redacted where required by law.
5. Communications pertaining to the grievance are maintained by the Chair. Such communications include, when appropriate, the following: copies of all written communications (including emails); the contents of any interaction or meetings held with regard to Level Two Grievance proceedings; a summary of the course of action; and the findings of the Grievance Board's hearing panel. The communications and records are confidential and cannot be released unless such release is compelled by law. After the report of the Grievance Board's hearing panel is submitted to the Chancellor, all these materials are transferred to the Office of Faculty Senate, where they shall remain as confidential and will not be released, unless permitted by law.
6. **Composition of the Grievance Board**  
The Grievance Board shall be composed of 5 regular members and 7 alternate members, each of whom is a permanently tenured voting faculty member holding no administrative title (the term "administrative title" refers to appointment as department chair in a professional school, unit administrator, dean, assistant or associate dean, vice chancellor, assistant or associate vice chancellor, chancellor, assistant or associate chancellor, assistant or associate provost). The University encourages diversity on the Grievance Board. Members shall be elected in accordance with the procedures for election of appellate committees specified in the Bylaws of the ECU Faculty Senate.

The members of the Grievance Board shall elect annually a chair, a vice-chair, and a secretary. The business of the Grievance Board shall be conducted according to the most recent edition of *Robert's Rules of Order, Newly Revised*, except as described below.

**Composition of the Grievance Board for a particular hearing panel (hereafter, "the Panel")**  
After receiving the Grievance Officer's notification about the Level Two grievance, within 7 calendar days, the Chair will determine the availability of the regular members and alternates. If any of the Board's 5 regular members are unavailable or need to recuse

themselves, an alternate will be selected to serve on the hearing Panel in their place. An additional alternate will be chosen to attend all sessions of the hearing and to replace a hearing Panel member, should that member be unable to attend the entire hearing. The ranking of the available alternates for selection will be determined by their years of service to the University. If there are fewer than 6 Grievance Board members available to serve on the hearing Panel, then the Chair of the Faculty will select a sufficient number of additional alternates to constitute a complete Panel of 6 members.

Those Grievance Board members who hold an appointment in the grievant's or respondent's academic unit, those who reasonably expect to be called to provide evidence during the hearing, and those who have conflicting interests shall recuse themselves or be disqualified from participation in the hearing by a majority vote of the remaining members.

Within 3 calendar days from the formation of the Panel, the Chair will send the grievant and respondent a list of the 6 members of the Panel. From that list, both the grievant and respondent may disqualify 1 member without cause from serving on their Panel. The grievant or the respondent wishing to exercise this option must notify the Chair, within 3 calendar days, of the name of the member to be disqualified. The Chair will select additional Panel members to constitute a complete Panel of 6 members.

#### 7. Purposes of Hearing

The purposes of a hearing are: (i) to render findings of facts and recommendations as to whether evidence presented to the Panel during the hearing sustains by its preponderance the allegations of harassment, discrimination or improper relationships; (ii) to communicate in the Panel's report to the Chancellor the Panel's finding and the reasons that support this finding, and the Panel's recommendations regarding resolution of the complaint. Avenues of appeal are provided to faculty members in the *ECU Faculty Manual* and in *The UNC Code*. The findings of the Panel are final only when the Chancellor renders her or his opinion, and the respondent fails to challenge either the Panel's findings or the Chancellor's concurrence or actions based on Panel's findings.

#### 8. Conduct of Hearing

- a. The hearing before the Panel shall be conducted in private.
- b. Attendance throughout the entire hearing is limited to members of the Panel, the grievant, 1 person (who may advise the grievant), the respondent and 1 person (who may advise the respondent). Neither of the advising persons shall have speaking privileges.
- c. With the assistance of the University Attorney, the Panel may call witnesses.
- d. Witnesses will be available at a convenient location, and will be called to appear before the Panel at times specified by the Chair.
- e. In making its determination, the Panel shall consider only such evidence as is entered or presented during the hearing. The Panel may use its own judgment

in deciding the admissibility and/or relevance of any testimony of any person before the Panel, and the admissibility and/or relevance of any evidence whatsoever.

#### 9. Hearing Procedure



- a. The Panel will initiate a hearing no later than 42 calendar days after the date that the respondent was notified that a hearing will occur.
- b. The Chair will notify all parties of the time, date, and place of the hearing at least 28 calendar days prior to its start. Within 14 calendar days of this notification, either party may request, in writing, postponement of the hearing with up to a 35 calendar days extension. Such a request will be granted if a majority of the Panel agrees that exceptional circumstances justify postponement.
- c. Within 21 calendar days prior to the start of the hearing, the grievant and the respondent shall identify, in writing, to the Chair individuals who may provide evidence to the Panel and provide the Chair with any written or other material they wish to be entered as documentary evidence.
  - i) Fourteen (14) calendar days prior to the hearing, the Chair will provide the respondent with a copy of the list of witnesses for the grievant, and with a copy of any depositions or other written material, and/or a description of any other evidence that grievant had submitted to the Panel.
  - ii) Fourteen (14) calendar days prior to the hearing, the Chair will provide the grievant with a copy of the list of witnesses for the respondent, and with a copy of any depositions or other written material and/or a description of any other evidence that respondent had submitted to the Panel.
  - iii) At any time prior to the grievant's closing statement, either party may request that the Panel allow new witnesses or new evidence to be presented. If they are deemed relevant, such requests will be granted by a majority of the Panel if the need for new witnesses was not reasonably foreseen or new evidence was previously unavailable.
  - iv) When the Panel votes to accept new witnesses or evidence, the names of these witnesses and/or copies or descriptions of evidence will be supplied to the grievant or the respondent as soon as possible.
- d. The hearing will begin with an opening statement by the Chair, who shall state the purpose of the hearing, the contents of the complaint, and the identities of grievant, respondent, and witnesses to be called. The Chair will ask members to introduce themselves and state for the record that they do not hold an administrative title. The Chair will list the procedures to be followed during the hearing, and will specifically note that only testimony and other information bearing on the grievance at hand will be admissible as evidence. It will be the Chair's responsibility to reject immediately, stop the presentation or introduction of, or question the relevance of information having no clear bearing on the grievance. However, at any time during a hearing the Panel may, by a majority vote, override the Chair's decision regarding admissibility and/or relevance of testimony, written evidence, or other material presented to the Panel. It will also be the Chair's responsibility to maintain control of the hearing so that an orderly exchange of information can be accomplished. The Chair has the authority to decide minor procedural questions not otherwise covered elsewhere. When deciding minor procedural questions, the Chair shall serve the interests of both parties equally. As for any hearing from which an appeal may be taken, a court reporter must be used to record and transcribe the hearing.
- e. Following the opening statement by the Chair, the grievant will present the complaint by submitting documentary evidence and questioning the grievant's witnesses. The grievant may be a witness. The respondent may cross examine grievant's witnesses, and the grievant may follow with further questions limited to

the matter raised on the cross examination. The Panel members may question the grievant's witnesses and, after their dismissal and the conclusion of the grievant's presentation, may question the grievant. Then the respondent may reply to the complaint by submitting documentary evidence and questioning the respondent's witnesses. The respondent may be a witness. The grievant may cross examine respondent's witnesses and the respondent may follow with further questions limited to the matter raised on the cross examination. The Panel members may question the respondent's witnesses and, after their dismissal and the conclusion of the respondent's presentation, may question the respondent.

- f. After these presentations by the grievant and the respondent, the parties may question each other, and may present rebuttal to any and all depositions, written documents, and other evidence submitted to the Panel. The Panel members may question them further. If deemed appropriate by a majority of the Panel, dismissed witnesses may be recalled if available.
- g. When neither party has any further questions, or the Chair determines that the parties should discontinue questioning one another, and once the Panel has no further questions, each party has the option to make a closing summary statement. The grievant proceeds first and each statement shall not exceed 10 minutes in duration.

#### 10. Post Hearing Procedure

- a. After the hearing, the Panel shall meet in executive session and begin its deliberations, or adjourn for no more than 2 calendar days, at which time it shall reconvene in executive session to determine whether it sustains or does not sustain the grievance brought before it.
- b. In reaching its decisions, the Panel shall consider only the testimony and other materials entered or presented as evidence during the hearing. The burden is on the grievant to establish his or her case by a preponderance of the evidence.
- c. Determination by the Panel that sustains the grievance requires a majority vote by members of the Panel. The decision will be reported to the Chancellor and the parties.
- d. Within 21 calendar days of the Panel's reaching a determination to sustain or not to sustain the allegations of harassment, discrimination or improper relationships, the Panel's determination and a summary of the basis for its decision will be communicated in writing to the Chancellor, the grievant, the respondent, the Grievance Officer, the relevant unit administrator, and the University Attorney. The Faculty Senate Office will provide the Chancellor and the parties with a copy of the court reporter's transcript of the hearing as soon as the transcript is produced.

### III. Post Level Two Grievance Procedures

- A. Within 42 calendar days of receiving the Panel's report and the court reporter's transcript, the Chancellor shall notify the grievant, respondent, Grievance Officer, relevant unit administrator, University Attorney, and the Panel of the Chancellor's concurrence or non-concurrence with the findings of the Panel, and of the disciplinary action, if any, against the original respondent.

- B. The disciplinary actions by the Chancellor may or may not include discharge from employment, suspension, or demotion in rank.
  - 1. When the disciplinary actions, if any, do not include a serious sanction, and if the Chancellor either declines to accept a Grievance Board recommendation that is favorable to the original respondent or concurs with the Board's recommendation that is unfavorable to the original respondent, within 14 calendar days the original respondent may appeal the Chancellor's decision to the East Carolina University Board of Trustees. The decision of the Board of Trustees is final and may not be appealed to the Board of Governors.
  - 2. When the disciplinary actions include a serious sanction the original respondent, in accordance with the procedures specified in the *ECU Faculty Manual*, has 14 calendar days to appeal to the Due Process Committee. The Chancellor's decision following the findings of the Due Process Committee may be appealed within 14 calendar days to the Board of Trustees. Alleging that one or more specified provisions of *The UNC Code* have been violated, the original respondent may, within 14 calendar days, appeal the decision of the Board of Trustees to the Board of Governors.

#### IV. Grievance Board Procedural Flowchart (next page)

#### V. Annual Report

Each May the Grievance Board shall submit to the Faculty Senate Office an annual report detailing statistics about the complaints received and processed from May 1 – April 30 of previous year.

- A. The outcome of the complaint(s) at Level One will list the protected class involved, whether or not it was an allegation of improper relations and when (month/year) each complaint was submitted to the OED and resolved.
- B. The outcome of the complaint(s) at Level Two will list the protected class involved, whether or not it was an allegation of improper relations and when (month/year) each complaint was submitted to the Grievance Board and resolved.
- C. The types of disciplinary actions (such as discharge from employment, suspension, or demotion in rank, or lesser sanctions) if any, taken by the University and when (month/year) the complaint was submitted and, if known, resolved.

The annual report will be available on request at the Faculty Senate Office. Personally identifying information regarding the complainants and the respondents shall not be disclosed.

(FS Resolution #12-42, March 2012)

(FS Resolution #14-19, March 2014)

# GRIEVANCE BOARD PROCEDURAL FLOW (March 2012)

## Optional initiation of grievance by complainant

Complainant opts to skip 'optional' process

NOTE: either party may opt out at any time in the optional steps

### Discussion with Department Chair

☹ Complainant or Respondent not happy ☹

7 days\*

### Discussion with the Dean

☹ Complainant or Respondent not happy ☹

21 days

(Level One) EDC Office

If either party disagrees with the findings and conclusions in the report of the EDC Grievance Officer:

If the Vice Chancellor has initiated the disciplinary process:

☹ Complainant or Respondent not happy ☹

28 days

Disciplinary actions do NOT include serious sanctions

28 days

Disciplinary actions include serious sanctions

(14 days\*\*)

Due Process Committee

(14 days\*\*)

Board of Trustees

(14 days\*\*)

Board of Governors

(Level Two) Grievance Board

The person (complainant or respondent) who initiates the Level Two hearing is hereafter known as the **grievant** and the other party is the **respondent**. The Grievance Board renders findings of facts and recommendations as to whether evidence presented during the hearing sustains by its preponderance the grievant's allegations. GB sends its report and recommendations to the Chancellor.

GB agrees with EDC findings

GB does NOT agree with EDC findings

Chancellor

If original respondent is disciplined

Disciplinary actions do NOT include serious sanctions

(14 days)

Board of Trustees (may not be further appealed to Board of Governors)

Disciplinary actions include serious sanctions

(14 days\*\*)

Due Process Committee

(14 days\*\*)

Board of Trustees

(14 days\*\*)

Board of Governors

\*Note: Number of days reflects the number of calendar days within which appeals have to be made.

\*\* Important Note: If, within 14 calendar days after receiving the notice of a serious sanction, the faculty member makes no written request for appeal, then the faculty member may be discharged or serious sanction imposed without recourse to any institutional grievance or appellate procedure.

10/24/13

editorially revised Section II.C. Level Two Grievance Procedures, subsection 9.c.i to state "respondent" not "grievant" is provided with copy of list.