

**EHRA NON-FACULTY GRIEVANCE PROCEDURES  
OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL**

**Note:** The following procedures have been established to provide detailed guidance to the parties of any EHRA Non-Faculty Grievance at the various steps of the process. These procedures supplement and are guided by the provisions of the EHRA Non-Faculty Grievance Policy. The definitions as set forth in Section 2 of the EHRA Non-Faculty Grievance Policy shall also apply for purposes of interpreting these procedures. For assistance in interpreting these procedures, contact the EHRA Non-Faculty Grievance Coordinator in the Office of Human Resources.

**1. STEP 1 REVIEW - INITIAL FILING AND PROCESSING OF A GRIEVANCE**

- a. *Filing Deadline and Timeliness:* The Grievance Coordinator shall, on behalf of the Committee, confirm that all submitted Grievances comply with the deadlines established in Section 7 of the Grievance Policy. Grievance submissions found timely shall be forwarded to the Chair of the Committee for determination of jurisdiction.
  1. *Late Filing Notification and Appeal:* In the event of an untimely Grievance, the Grievance Coordinator shall inform the Complainant in writing of this determination with a copy to the Chair and to the individual who would have been designated as the Respondent.
  2. *Waiver of Normal Filing Deadline:* Consistent with Section 7 of the Grievance Policy, the Chair may waive the normal filing deadline if in his/her judgment there were significant extenuating circumstances preventing the Covered Employee from making a timely submission. The Chair will set forth in writing the specific basis for his/her decision and provide a copy to the Complainant and the Respondent. The Chair's decision in this specific regard is final and not subject to further appeal.
- b. *Determination of Respondent:* The Grievance Coordinator will make a determination of the Respondent that most closely aligns with the definition set forth in the Grievance Policy.
- c. *Determination of Jurisdiction:* For all Grievances determined to be timely, the Chair and the Vice Chair shall together determine whether a submitted Grievance falls within the jurisdiction of the Grievance Committee in accordance with the provisions of Policy Section 6.a. The Chair and Vice Chair may request further information from the Complainant and any University Officials with relevant information to assist in making this determination. In any case, decisions with regard to jurisdiction shall be completed and communicated to the parties to the Grievance within thirty (30) calendar days of the filing of the Grievance, or within a reasonable period of time if extenuating circumstances exist as determined by the Chair.
  1. *Unanimous Determination of Jurisdiction.* If the Chair and Vice Chair both agree that the matter falls within the jurisdiction of the Committee, then the Grievance shall proceed as outlined for a Step 1 Review.
  2. *Non-unanimous Determination of Jurisdiction or Determination of No Jurisdiction.* If the Chair and Vice Chair cannot come to a unanimous determination of jurisdiction or if they determine that the Committee does not have jurisdiction over the issue

presented in the Grievance, the Chair shall forward the Grievance along with any relevant discussion regarding the determination to the Chancellor or his/her designee for review. After reviewing the documentation, the Chancellor or his/her designee shall render a final decision on the jurisdiction and notify the Chair of his/her decision. The Chancellor's or his/her designee's decision on this matter is final and is not appealable. The Chair shall provide a written explanation of the decision of non-jurisdiction to the Complainant and to the person who would have been the Respondent.

- d. *Grievances Related to Discharge for Cause, Harassment, or Discrimination:* A Complainant who timely files a Request related to discharge for cause, or who timely files a Review Request subsequent to the completion of a harassment or discrimination administrative review consistent with Policy Section 7.c.2, will bypass Step 1 of the Procedure (next-level University official) and proceed to Step 2 (Committee Hearing).
- e. *Grievances Related to Other Discontinuations of Employment:* Discontinuations of at-will appointments or non-reappointment of term employees are not discharges for cause, and allowable Grievances related to such events proceed through the normal established steps of this process.
- f. *Transmittal of Grievance Materials:* The Grievance Coordinator shall transmit Grievance materials or notifications between the parties as specified in these procedures in an expeditious manner, which generally shall mean within three (3) business days of each required transmittal absent specific circumstances which otherwise prevent this transmittal, such as inclement weather, unexpected absence of the Coordinator, unanticipated facility closure, and so forth.

## **2. STEP 1 REVIEW – RESPONSE FROM NEXT-LEVEL UNIVERSITY OFFICIAL**

- a. *Initiation:* Once the jurisdiction of the Grievance Committee has been confirmed in the matters giving rise to the Grievance, the Grievance Coordinator will forward a copy of the Grievance to the Respondent with informational copies to the Complainant and the Chair of the Committee. Grievances in regard to discharge for cause or subsequent to the completion of a harassment or discrimination administrative review shall bypass the Step 1 procedure and proceed immediately to Step 2 (Hearing).
- b. *Respondent's Review and Reply:* Upon receipt of the Step 1 transmittal, the Respondent will have ten (10) calendar days to file a Reply Form with Grievance Coordinator. The Respondent may request an extension to this deadline from the Chair. If the Chair grants the extension, the Chair also will notify both the Grievance Coordinator and the Complainant. The Respondent may at his/her discretion be assisted in investigating the Grievance and preparing a reply by a designee within the relevant administrative unit, but the final reply must be approved by and transmitted under the signature of the Respondent. The Respondent's review should include separate meetings by them or their designee with the Complainant and the University official(s) or employees whose action(s) or decision(s) gave rise to the Review Grievance. The Respondent's review should also include reasonable efforts to resolve the dispute when possible. Upon receipt, the Grievance Coordinator shall transmit the Respondent's reply to the Complainant for consideration. If for any reason the Respondent is unable to respond or chooses to waive

the opportunity to respond at Step 1 of the Grievance process, the Grievance will proceed immediately to Step 2.

- c. *Complainant's Reply*: Upon receipt of the Respondent's reply, the Complainant will have ten (10) calendar days to submit a Reply Form to the Grievance Coordinator indicating that s/he considers the matter satisfactorily resolved or, if not resolved to his/her satisfaction, indicating such and optionally adding comments regarding the Respondent's Step 1 Reply.
  1. If the Complainant considers the matter satisfactory resolved, the Grievance process is concluded, and the Grievance Coordinator will notify all relevant parties.
  2. If the Complainant timely replies that s/he is not satisfied with the Respondent's reply, the process continues to a Step 2 Review Hearing as set forth in this Procedure.
  3. If the Complainant fails to respond in writing to the Respondent's Step 1 reply within the stated timeline, the Grievance matter will be considered concluded and any future Grievance rights in these specific matters will be waived.

### **3. STEP 2 REVIEW – GRIEVANCE COMMITTEE HEARING**

If the matter(s) being disputed are not successfully resolved at Step 1, or for Grievances allowed by the Policy and Procedure to bypass the Step 1 process, then Step 2 of this process is a formal hearing of the Grievance. In this event, the Chair must convene a hearing of either a Panel or, at the Chair's discretion, the full Grievance Committee. The Grievance Coordinator on behalf of the Chair will notify all parties to the Grievance in writing of the scheduled hearing date, time, and location. This hearing should be convened no later than thirty (30) calendar days following receipt by the Grievance Coordinator of the Step 2 Reply unless the Chair approves a delay in the hearing date due to extenuating circumstances.

### **4. PARTICIPATION IN MEETINGS AND HEARINGS**

- a. *Pre-Hearing Conferences*: The Panel Lead has the discretion to hold one or more pre-hearing conferences jointly with the parties of the Grievance to determine what information is needed for the formal hearing and to offer guidance to the parties on documents and witnesses that may be necessary. The Panel Lead may at his/her discretion include the Grievance Coordinator, Chair, Vice Chair, administrative support staff to the Committee, and/or the Panel in any pre-hearing conference(s).
- b. *Principal Parties Present at Hearing*: The parties who must be present for the Step 2 hearing include the participating members of the Grievance Committee, the Complainant, and the Respondent. The Respondent may designate another individual to represent management at the Step 2 hearing (and any pre-hearing conferences) but this individual must be a University official within the Respondent's management chain such as the direct manager of the Complainant, a principal deputy to the Respondent, or other direct report to the Respondent. Support persons, attorneys, and witnesses also may be present as allowed by this Procedure. If requested by the Committee Chair or Panel Lead, the Grievance Coordinator and/or other Human Resources support staff may be present to provide administrative and logistical assistance at the hearing or meeting. In the event that either party fails to appear at a scheduled Step 2 hearing, the Panel Lead has the discretion to reschedule the hearing or to continue with the hearing based on the information provided by the party present and on any other available information.

- c. *Participation of Attorneys:* The pre-hearing meeting(s) and any hearings are not intended to be a formal legal process nor do the formal rules of evidence apply.
  - 1. *Grievances Other Than Concerning Discharge for Cause:* To assure the informality and efficiency of the process, neither the Complainant nor the Respondent may be directly represented by attorneys in any pre-hearing meeting(s) or hearings. This restriction does not preclude the parties consulting with an attorney outside the confines of the hearings/meetings. An attorney assigned by the Office of University Counsel may be present to advise the Grievance Committee or Panel at their request but may not assist either the Complainant or Respondent in the direct presentation of their cases.
  - 2. *Grievances Concerning Discharge for Cause:* The Complainant may, but is not required, to have an attorney to participate actively in all pre-hearing meetings and the hearing itself with or on behalf of the Complainant including opening statements, questioning witnesses, closing statements, etc. In order to have an attorney participate in this manner, the Complainant must declare legal representation upon filing the initial Grievance in order to permit the University to make arrangements for legal representation of the Respondent. When the Complainant will be assisted by an attorney, University Counsel may actively participate in all pre-hearing meetings and in all aspects of the Step 2 Hearing with or on behalf of the Respondent, including opening statements, questioning witnesses, closing statements, etc.
- d. *Participation of Support Persons:* Both the Complainant and Respondent each may be accompanied by one (1) support person who is not acting as an attorney and who is not a necessary witness for either party. This individual may assist in taking notes or organizing documentation during any hearing, provide advice during breaks, otherwise serve as an observer of the hearing process, and may address the Panel during the opening and/or closing remark sections of the hearing. Only in cases of discharge for cause, the Complainant and Respondent each may have a support person, an attorney, or both. The names of any proposed support persons must be brought to the attention of the Panel Lead no later than five (5) calendar days prior to any meeting or hearing.
- e. *Conduct in Meetings or Hearings:*
  - 1. *Complainant and Respondent:* The Complainant and Respondent are expected to conduct themselves in a professional manner at all times. This means that they will be respectful when addressing members of the Committee or witnesses, not engage in cross talk between the parties, not request excessive breaks which interfere with the conduct of the meeting, and otherwise adhere to the directions of the Panel Lead. Conduct outside of these parameters may result in the party being asked to leave the meeting or hearing. Persistent inappropriate conduct in the meetings or hearings may result in continuation of meetings without the presence of the offending parties, at the discretion of the Panel Lead. In such instances, the Panel will continue to consider the matter before it with the information that is available from the parties remaining.

2. *Support Persons or Attorneys:* The presence of support persons or attorneys is intended to offer support to the Complainant and Respondent. If, in the sole judgment of the Panel Lead, such an individual interferes or in any way disrupts a meeting, he/she may be instructed to leave the meeting immediately. In this situation, it is within the discretion of the Panel Lead to decide whether such an individual may return to the meeting at a later time.
- f. *Failure to Participate or Lack of Timely Participation:* The Complainant and the Respondent both have a good faith obligation to cooperate with the Grievance Committee in the conduct of pre-hearing meetings or hearings. A persistent failure to respond to communications from the Committee in a reasonable and timely manner, unexplained absence at scheduled meetings, or unreasonable lack of availability for meetings necessary to conduct the Grievance process may, at the discretion of the Chair, the Panel Lead, and/or the Committee/Panel, result in either dismissal of the Grievance without further appeal under this process and/or a recommendation from the Committee based on the available information.

## 5. STEP 2 REVIEW – GRIEVANCE HEARING PROCEDURE

The following procedure and protocol will be used by the Grievance Committee or its designated Panel to conduct hearings.

- a. *Promptness of Action:* The Grievance Committee should issue its written report within thirty (30) calendar days following the hearing date. The Panel Lead may extend this deadline due to extenuating circumstances and provide written notice to the Parties. Every reasonable effort will be made to produce a final report in an expeditious manner.
- b. *Conduct of Hearings:* The Panel Lead will exercise control over all portions of the hearing, including setting times for hearing sessions, calling recesses, etc. Consistent with the principles of impartiality and equity, the Panel Lead will determine, among other things:
  1. The order of evidence presentation;
  2. time limits for any or all segments of the hearing;
  3. order of and procedure for questioning the parties and witnesses;
  4. admissibility of all questions and evidence.
- c. *Hearing Process:* The Panel Lead should follow the process set out below in conducting the hearing. The order of presentation may be modified at the Panel Lead's discretion when deemed necessary so long as each party gets an opportunity to provide statements and ask questions of other parties and witnesses.
  1. The Complainant (and/or Support Person or Attorney) may make an opening statement, and then the Respondent (and/or Support Person or Attorney) may make an opening statement. The Panel Lead may establish an equitable time limit for opening remarks for all parties. The intent of the opening statement is to provide a brief summary of the claims or defenses to be presented and evidence submitted in support of those claims and defenses.
  2. Next, the complainant presents his or her case through the Complainant's own statements, exhibits, and witnesses.

3. If after hearing the Complainant's case, the Committee/Panel decides that the Complainant's evidence is insufficient to support a finding in favor of the Complainant, the Committee/Panel may recommend dismissal all or part of the Grievance, without further evidence.
  4. If, however, the Committee/Panel decides that the Complainant's evidence may be sufficient to support a finding in favor of the Complainant on any of his/her claims, the Respondent or his/her designee will then present his/her case through statements of parties, exhibits, and witnesses.
  5. The Complainant then may, at his/her option, be provided a further opportunity to address matters presented by the Respondent. This opportunity is not intended to allow the Complainant to present new claims or evidence in support of his or her Grievance, but only to address specifically the Respondent's presentation. If the Complainant raises sufficiently new claims or issues at this time, the Respondent shall be allowed an opportunity to reply to these specific new issues or claims.
  6. After all evidence has been presented, the Complainant and/or his/her Support Person or Attorney may make a closing statement, followed by the Respondent and/or his/her Support Person. The Panel Lead may establish an equitable time limit for closing remarks for all parties. The Complainant may reserve a portion of his/her allotted time to make a final statement following Respondent's closing statement.
- d. *Evidence and Witnesses.* Parties shall be allowed to provide statements from themselves or from witnesses, to hear and question witnesses, to provide other evidence, and to examine information considered by the members of the hearing panel or Committee consistent with the provisions of this Section.
  - e. *Exhibits.* The Parties shall submit to the Grievance Coordinator all exhibits planned for introduction or use at hearing by the deadline set by the Panel Lead. Individual exhibits shall be numbered (e.g., Complainant Exhibit 1, 2, 3... and Respondent Exhibit 1, 2, 3 ...) so that they can easily be referenced during presentation and questioning of witnesses at the hearing. If the Complainant's exhibits exceed twenty-five (25) pages in total, then they shall be responsible for providing the requisite number of copies at their own expense for all Panel members, the Respondent, a Witness copy, and a copy for the Grievance Coordinator. In such instances, the submitted copies shall be in tabbed notebooks to permit convenient reference to each exhibit. For any submissions of twenty-five (25) pages or less, the Grievance Coordinator shall offer the Complainant the option of making the required copies on their behalf at the University's expense.
  - f. The Panel Lead, in consultation with the Grievance Coordinator, has authority to:
    1. Establish deadlines for exhibit submissions, which may be sooner but not later than five (5) business days before the hearing. If either party wishes to introduce exhibits at the hearing that were not submitted and exchanged by the established deadlines, then the Panel Lead will decide whether there is a good reason to accept such evidence. The Panel Lead's decision in this regard is final.
    2. May set overall page limits for exhibit submissions.

3. Determine the relevance of any exhibits provided throughout this Procedure to the issues involved in the Grievance, on the Panel Lead's own initiative or at the specific request of either Party. The Panel Lead's decision on the relevance of any exhibit is final.
- g. *Access to Exhibits and Confidential Information.* Because the University believes that the purposes of dispute resolution are best served by sharing information, the exhibits submitted by either party will be shared with the other party. The Committee or Panel will have access to all available information relevant to the case. However, the Complainant shall not be given access to information determined by the Panel Lead, in consultation with the Grievance Coordinator and/or the Office of University Counsel, that contains confidential information about parties not involved in the Grievance or that is otherwise protected by State policy or relevant state or federal law.
  - h. *Witnesses*
    1. Witnesses must have direct knowledge of the matter about which they are offering testimony. Second-hand accounts are not permissible.
    2. The Panel Lead may ask witnesses to appear and provide statements but does not have the authority to compel appearance by or statements from witnesses.
    3. Witnesses will be present only for the duration of their statements. Witnesses may be sequestered while waiting to be called into the hearing.
    4. Following the statements of each party and his/her witnesses, the Panel Lead will allow questions from the other party. The Panel may ask questions of the parties and witnesses at any time. The Panel Lead has the prerogative to determine the appropriateness of all questions and the method of questioning and will not allow any questioning that is irrelevant, immaterial, unduly repetitious, or abusive.
  - i. *Standards and Burden of Evidence.* The strict legal standards of evidence do not apply throughout this process. The burden is on the Complainant to establish by a Preponderance of the Evidence that s/he is entitled to relief and that there is an appropriate and reasonable remedy available to the University to address their Grievance.
  - j. *Continuations:* So long as it does not substantially delay the hearing process, the Panel Lead may, at his or her discretion, continue a hearing in progress so that reasonable time is provided for the appropriate examination of all evidence and for the preparation of appropriate responses.

## **6. STEP 2 REVIEW – DELIBERATIONS AND REPORT OF THE GRIEVANCE COMMITTEE**

- a. *Deliberation:* After the conclusion of the hearing, the Committee or Panel will deliberate and decide whether to sustain all or any part of the Grievance. The Chair or Panel Lead will oversee these deliberations.
- b. *Basis for Decisions:* The Committee or Panel members should decide if the decisions or actions being disputed were reached or implemented in an impermissible manner or are otherwise prohibited under Policy Section 6.a given the standards of evidence set forth in these procedures. The Committee or Panel has no authority to reverse a University official's decision, but can recommend a reassessment or adjustment of that decision if it

finds that the decision was reached improperly. The recommendation does not require unanimous agreement by all members of the Committee or Panel as long as a majority opinion is reached.

- c. *Preparation of Written Report:* The Chair with the assistance of the Panel Lead, when assigned, will be responsible for ensuring that the Committee or Panel prepares a written report of the findings and recommendations. The report should state a separate finding for each 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 Committee Chair, or Panel Lead when assigned, will provide a copy of the report to those members of the Grievance Committee who directly deliberated the Grievance for review, comment, and approval. Any deliberating member who does not concur in the report may submit a separate minority report that will be appended to the final written report of the Grievance Committee. Apart from the Committee Chair, or Vice Chair in place of the Chair, members of the Grievance Committee who did not directly hear statements or participate in deliberations shall not participate in reviewing the report or commenting on its contents.
- d. *Process for Reports which Include One or More Remedies in Favor of the Complainant:* If a majority of the deliberating Committee members determines that one or more remedies in favor of the Complainant is appropriate, the Chair will send a copy of the written report to the Complainant, the Respondent, and the Grievance Coordinator. The Respondent will be required to submit a written response to the Chair using the official Reply Form within fifteen (15) calendar days of receipt of the report from the Committee.
  1. If the Respondent agrees to the Panel's recommendations, the Chair will confirm such remedies are satisfactory with the Complainant to address the Grievance in total. If so, the Chair will notify all members of the Panel, the Respondent, and the Grievance Coordinator, and the Grievance will be considered officially closed based on mutual agreement of the parties.
  2. If recommendations made or proposed by the Respondent are not satisfactory to the Complainant, the Grievance will proceed to Step 3. The Grievance Coordinator will in such instance forward the report together with the official record of the Grievance to the Chancellor. The Complainant has the right to terminate the Grievance at Step 2 if s/he wishes by submitting a Reply Form through the Grievance Coordinator prior to the Grievance being referred to Step 3 or to the Chancellor, if the Grievance has been referred.
- e. *Process for Reports which Determines No Recommendation in Favor of the Complainant:* If a majority of the deliberating Committee members determines that no recommendation in favor of the Complainant is appropriate and/or there is no basis for the Complainant's allegations, the Chair will send a copy of the written report to the Complainant, the Respondent, and the Grievance Coordinator. In this instance, the Grievance will be considered closed with a "no-basis" determination by the Committee. In such instances, the Complainant may, if desired, pursue a Step 3 appeal to the Chancellor by submitting a Reply Form to the Grievance Coordinator no later than ten (10) calendar days following receipt of the Committee's report. This Grievance may

include any response the Complainant desires to make to the Committee's report. The Grievance Coordinator shall be responsible for transmitting to the Chancellor the Complainant's Step 3 appeal along with the official record of the Grievance created in previous steps of this process.

## **7. STEP 3 REVIEW – APPEAL TO THE CHANCELLOR**

- a. The Chancellor can review Grievances that have Panel or Committee recommendations that do not meet the satisfaction of the Complainant per Procedure Section 6.d.2. above or which were determined to have a “no basis” finding by the Committee and for which the Complainant desires further appeal per Procedure Section 6.e. above. The Chancellor's review shall be based upon the official record of the Grievance and the Chancellor will neither receive nor consider new evidence.
- b. 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, including the introduction of new or additional evidence; may seek clarifying information from the Committee, or; at his/her discretion, may refer the matter to an outside independent reviewer at the University's expense to further hear and rule on the matters in question.
- c. In considering the Committee's report, the Chancellor may, with proper respect for confidential matters, share parts of the report with appropriate officials (other than the parties to the Review Grievance) for advice. The Chancellor will notify the Complainant of his/her final decision, or of the necessity of a delay in providing his/her final decision, by first class United States Mail or by commercial overnight delivery within fifteen (15) calendar days of receiving the Step 3 Reply. Copies of the Chancellor's decision will be sent to the Respondent, the Chair of the Grievance Committee, and the Grievance Coordinator.

## **8. STEP 4 REVIEW – APPEAL TO THE BOARD OF TRUSTEES**

- a. If the Chancellor concurs in a recommendation of the committee that is favorable to the Complainant, the Chancellor's decision shall be final.
- b. If the Chancellor either declines to accept a committee recommendation that is favorable to the Complainant or concurs in a committee recommendation that is unfavorable to the Complainant, the Complainant may appeal the Chancellor's decision by filing a Reply Form with the Board of Trustees. Such appeal is submitted to the Board in care of the Grievance Coordinator with fourteen (14) calendar days after receipt of the Chancellor's decision.
- c. The Chair of the Board of Trustees will facilitate a review of the appeal based on the official record in a manner s/he deems appropriate at the Board's earliest convenience. The Board's review will be based upon the official record, and the Board will neither receive nor consider new evidence. The Chair of the Board of Trustees will ensure a written decision is prepared and transmitted to all parties of the Grievance through the Chancellor. The decision of the Board of Trustees will be final.

## **9. ROLE OF UNIVERSITY ATTORNEYS**

The Office of University Counsel may designate an attorney to provide procedural or general policy advice either to the Grievance Coordinator who may advise the Grievance Committee and/or to the Hearing Panel directly. In addition, for Step 2 Hearings concerning discharge for cause in which the Complainant is accompanied by an attorney, the Office of University Counsel may designate an attorney to participate in the presentation of evidence on the behalf of the Respondent. While the matter is pending before the Committee, the Chancellor, or the Board of Trustees, any attorney who provides procedural or policy advice may not discuss the merits of the case with any party, support person or observer, and will not act as an advocate for or against any party when advising on procedural or general policy matters.

## **10. CONFIDENTIALITY**

- a. Members of the Grievance Committee, the Grievance Coordinator, the Complainant, the Respondent, and other University employees who are witnesses or otherwise participate in the Grievance process will maintain confidentiality concerning all aspects of the proceedings. This expectation does not preclude legitimate business communications regarding the matters in dispute between the Respondent, other University officials with a legitimate role in investigating or addressing the disputed matter(s), and members of the Office of the University Counsel. Likewise, the Office of University Counsel may seek the advice of outside counsel when deemed necessary.
- b. Any substantive or willful breach of confidentiality which, in the judgment of the majority of the Grievance Committee, compromises or substantially prevents a fair and impartial hearing may cause the Chair to cease further consideration of a Grievance. In this event, the Committee will recommend to the Chancellor whether or not another Review Panel should hear the case, and the Chancellor will determine how to proceed in order to best provide a fair and impartial re-hearing of the matters in question. In this circumstance, the Chancellor may elect to engage an independent outside reviewer at the University's expense to hear the matter in lieu of an internal hearing panel.
- c. The Chair shall inform the Grievance Coordinator of any breaches of confidentiality for referral to an appropriate official in the Office of Human Resources for further investigation and resolution in accordance with relevant guidelines on employee conduct.

## **11. OFFICIAL RECORD**

- a. *Recording of Hearings:* All Step 2 Hearings shall be electronically recorded, or with reasonable notice to the Grievance Coordinator, transcribed by a court reporter at the election of either party and at that party's sole expense. No additional recording devices of any kind shall be permitted within the confines of Grievance hearings or meetings. The parties present are permitted to take personal notes. Pre-hearing meetings are not subject to being electronically recorded unless directed by the Chair.
- b. *Hearing Records While an Grievance is Active:* At any stage prior to the conclusion of a Grievance, Committee members, the Complainant, or the Respondent will be granted, under supervision of the Committee Chair or the Grievance Coordinator, access to committee records generated from the hearing process, including the official electronic recording or transcript, subject to prevailing confidentiality policies. All materials submitted as evidence, including any written documents, photographs, audio recordings, and video-materials, will be retained by the Committee until its final report is complete,

at which time both the evidence and material excluded from evidence will be incorporated into the official record. If material is excluded from evidence, the Chair will make a record of the reasons. After the hearings are concluded, all hearing records and materials are transferred to the custody of the Grievance Coordinator, and access to such records will be determined in accordance with applicable State law or University policy.

- c. *Handling of Official Records of a Concluded Grievance:* Once a Step 2 Grievance has concluded and the Committee has issued its formal findings and recommendations or a Grievance is otherwise withdrawn, Committee members shall destroy in a confidential manner any extra copies of documents comprising the official hearing record and any personal notes, including email, they had taken or exchanged during the Grievance process consistent with the Committee's approved records retention schedule. Any other original or unique records pertaining to a Grievance must be retained in accordance with the approved records retention schedule and sent promptly to the Grievance Coordinator for addition to the official records.

## **12. WITHDRAWAL OF GRIEVANCE**

At any time, the Complainant has the right to withdraw his/her Grievance by submitting a Reply Form to the Grievance Coordinator who will notify in writing all relevant parties. Receipt of this request will end any proceedings, and the Chair will transmit any official records generated to date to the Grievance Coordinator. By withdrawing a Grievance, the Complainant waives his/her right to have the same claims heard or appealed unless the resubmission occurs within the time period the Complainant could otherwise have filed.