

UC Davis Academic Personnel Manual

General University Policy Regarding Academic Appointees Section UCD-140, Non-Senate Academic Appointees/Grievances

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Responsible Department: Academic Affairs

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Exhibit A, Academic Affairs Grievance: Request for Formal Review

Exhibit B, Academic Affairs Grievance: Request for Extension of the 30-Day Time Limit for Filing a Step II Grievance

Exhibit C, Academic Affairs Grievance: Request for Appeal of Formal Review Decision

Exhibit D, UCD APM 140 Hearing Procedures

140 2 Purpose and Scope

This section outlines the procedures for non-Senate academic appointees, including non-Senate faculty, to file a grievance as defined in UCD APM 140 4, and defines the methodology for resolving such grievances. UCD APM 140 does not apply to Non-Senate academic appointees who are exclusively represented, except to the extent provided for by the applicable Memorandum of Understanding.

For purposes of this policy, a department is a teaching, research, administrative, or other organizational unit.

140 6 Grievance Liaison

The Vice Provost – Academic Affairs shall serve as the grievance liaison to coordinate informal and formal attempts to resolve the issue. During informal review, the Vice Provost – Academic Affairs, or an appropriate designee, may participate in the discussions and assist in the attempts to reach a resolution. During the formal review, the Vice Provost – Academic Affairs, or an appropriate designee, shall provide policy information, ensure that approved procedures are followed, and provide technical information at hearings.

140 31 Step I. Informal Grievance Resolution

- a. In order to achieve a voluntary resolution of differences, a grievance should first be dealt with at the lowest possible administrative level. Every effort should be made to resolve the problem on an informal basis through discussion between the appointee and the immediate supervisor or the administrator responsible for the action being grieved. The supervisor or administrator is encouraged to consider involving a third party in an attempt to resolve the issue if the grievant is willing to participate in mediation.
- b. A grievant may ask the Vice Provost – Academic Affairs to assist in resolving the grievance if informal resolution with the immediate supervisor or responsible administrator has been unsuccessful.
- c. When a grievance alleges sexual harassment, the grievant may elect to substitute the campus sexual harassment complaint resolution process for Step I, as described in UCD Policy and Procedure Manual Section 400-20. If a grievant elects to use the campus sexual harassment complaint resolution process and the complaint is not resolved to the grievant's satisfaction, s/he may file a Step II formal grievance under UCD APM 140 31 c.
- d. Attempts at informal resolution do not extend the time limits unless a written extension has been granted by the grievance liaison.

140 32 Step II. Formal Grievance Review

- a. As the grievance liaison, the Vice Provost – Academic Affairs shall determine whether the grievance is complete, timely, within the jurisdiction of UCD APM 140, and alleges specific facts supporting the allegation. If the grievance meets these conditions, the Vice Provost – Academic Affairs shall notify the grievant of the next steps within 10 calendar days, as per UCD APM 140 32. If the grievance is not accepted, the Vice Provost – Academic Affairs shall notify the grievant of this decision.
- b. If the grievance is accepted, the Vice Provost – Academic Affairs forwards it to the appropriate department chair or comparable authority for review and written decision under the provisions of UCD APM 140 32, specifying a due date for the response. If this individual is unable to render a fair and objective decision in the informal review, the Vice Provost – Academic Affairs shall appoint another administrator as the Step II reviewer.
 - 1) The reviewer shall provide parties with an opportunity to meet and/or provide written statements or documents relevant to the review. If appropriate, the reviewer may explore options to resolve the grievance, including use of a third party.
 - 2) If the reviewer determines that informal resolution is not appropriate, or if the parties do not agree to informal resolution, the reviewer will complete a full assessment of the allegations.
 - 3) Within 30 calendar days of the receipt of the grievance, the reviewer shall reply in writing to the grievant and to the Vice Provost – Academic Affairs, describing the reviewer's decision to deny or uphold the grievance and describing the grievant's right to appeal that decision to Step III.
 - 4) Per UCD APM 140-32e, complaints alleging discrimination, harassment, or retaliation shall be forwarded to the Campus Compliance Officer, who will consult with the Vice Provost or Vice Provost's designee regarding appropriate disposition.

140 33 Step III. Appeal of the Formal Review Decision

If the grievance is not resolved through the Step II formal review, the grievant may appeal, in writing, either for administrative consideration (Step III-A, below) or for hearing consideration (Step III-B, below). The appeal must be submitted to the Vice Provost – Academic Affairs on the form provided as Exhibit C and must include a statement as to why the grievant is appealing the Step II response. The appeal must be submitted within 15 calendar days from the date the Step II response was issued. All appeals are subject to administrative consideration (UCD APM 140 33 b(1)) unless the issues are subject to a Step III hearing (UCD APM 140 33 b(2)), the written appeal specifically requests a hearing, and the Vice Provost – Academic Affairs has determined that the grievance raises issues that are eligible for a hearing.

a. Step III-A. Administrative Consideration

Except when otherwise eligible for consideration for hearing as described in UCD APM 140 33 b(2)(a), the Vice Provost – Academic Affairs will forward the Step III grievance appeal to the Chancellor for a final decision. Within 30 calendar days of the receipt of the formal grievance, the Chancellor shall provide the grievant with a written decision including reasons why the Step II decision is approved, rejected, or modified and a statement that the decision is final.

b. Step III-B. Hearing Consideration

Upon written request, an unresolved grievance may be appealed for hearing consideration when the complaint involves allegations specified in UCD APM 140 33 b(2)(a). Within 15 calendar days from the date the Step II response was issued, the grievant will submit to the Vice Provost – Academic Affairs a request for hearing consideration (Exhibit C). The Vice Provost – Academic Affairs shall select a University or non-University hearing officer as set forth in UCD APM 140 80 below, and shall schedule the hearing, which shall be conducted according to UCD APM 140 80 and Appendix D – UCD APM 140 Hearing Procedures.

Within 30 calendar days of receipt of findings and recommendations of the hearing officer, the Chancellor shall notify the grievant in writing of his/her decision, including the reasons why the grievance is supported or rejected in whole or part, and will also provide a copy of the findings and recommendations of the hearing officer. The decision of the Chancellor shall be final and binding.

140 80 Selection of a Hearing Officer

In accordance with UCD APM 140 33 b, above, the grievant may choose to be heard before a University hearing officer or a non-University hearing officer.

- a. If the grievant elects a hearing before a University hearing officer, the hearing officer shall be chosen in the following manner. Upon request, the Academic Freedom, Rights, and Privileges Committee of the Academic Federation shall submit a list of at least 5 names of responsible persons from the UCD faculty and non-student academic appointees who may be asked to serve as University hearing officers. The Vice Provost – Academic Affairs will choose from this list a hearing officer who is able to conduct the hearing in an objective manner. If the Academic Federation does not submit such a list within 10 working days or if none of the individuals on the list are able to serve, the Vice Provost – Academic Affairs may choose a responsible non-student academic appointee who is able to conduct a hearing in an objective manner.
- b. If the grievant elects a hearing before a non-University hearing officer, the Vice Provost – Academic Affairs shall select the provider. The procedures of the chosen provider shall be used to select the hearing officer. If a grievant elects a non-University hearing officer, the grievant must pay half of the fee.

140 85 General Provisions

- a. The total time period from the initial grievance filing date to the date of the final decision by the appropriate administrative officer generally shall not exceed 90 calendar days unless a hearing is requested. The Vice Provost – Academic Affairs may grant reasonable requests for extensions of time. Such requests must be submitted to the Vice Provost – Academic Affairs in writing.
- b. Decisions on grievances shall be in accordance with University policies, regulations, and procedures that were in effect at the time that the grieved action occurred.
- c. The Vice Provost – Academic Affairs shall be the custodian of any tapes, stenographic, or other recordings upon receipt of the report and recommendations from the hearing officer. Such recordings shall be retained for 3 years.