

UNC Charlotte

Formal Grievance - Step 2 Hearing Panel Process

I. Selecting a Hearing Panel

- a. Employee Relations Representative will select from the Staff Grievance Committee, a Hearing Panel, consisting of (3) Committee members with (1) being designated as the Chair
- b. The Hearing is under the control of the Hearing Panel Chair
- c. To ensure impartiality, the Hearing Panel will include at least two non-supervisory members
- d. It will not include employees from the same operational unit as the grievant

II. Rights of grievant

- a. The Grievant is informed in writing of the Staff Grievance Committee members who will comprise the Hearing Panel
- b. Grievant may disqualify up to two of the members selected for the Hearing Panel **within 5 calendar days** of notification
- c. Disqualified members will be replaced by other members of the Staff Grievance Committee
- d. An Employee Relations Representative shall serve as an advisor to each Hearing Panel and notify all parties as to the date, time, and place of the initial hearing, and shall make such physical arrangements as are necessary

III. During the Hearing

- a. In general, the party who has the burden of proof has the first opening statement and the last closing statement (summation). This will be the grievant in all cases except discipline and non-disciplinary separation due to unavailability; then management has the burden of proof
- b. The hearing will proceed generally as follows:
 - Administrative instructions from the Chair
 - Opening statements by the grievant and by the respondent
 - The opening statement should:
 1. Summarize the grievance to include the policy or rule which is alleged to have been violated;
 2. outline how s/he intends to present the case,
 3. and (in the case of the grievant) state the relief requested
 - Presentation of the case by the grievant, including such witnesses and documents as the grievant may choose to present, as well as the grievant's own statements. The Hearing Panel and the respondent may question all witnesses
 - Presentation of the case by the respondent, including such witnesses and documents as the respondent may choose to present, as well as the respondent's own statements. The Hearing Panel and the grievant may question all witnesses
 - Questioning of other witnesses the Hearing Panel chooses to call, by the Hearing Panel, the grievant, and the respondent
 - At the discretion of the Hearing Panel, additional questioning of the principals or witnesses by either or both parties to the grievance
 - Summation by the grievant

- Summation by the respondent
 - Requests for additional information may be addressed by the Hearing Panel at subsequent hearing sessions, as required
- c. In reaching decisions on which its written recommendations shall be based, a Hearing Panel shall consider only the evidence presented at convened meetings and such written and oral arguments as the Panel, at its discretion, may allow

IV. After the hearing

- a. At the conclusion of the hearing, the Chair of the Hearing Panel will submit a written report of the Panel's recommendations concerning the grievance to the appropriate Vice Chancellor (or the Chancellor if the administrative official who evaluated the grievance at Step 1 or recommended the disciplinary action was a Vice Chancellor)
- b. Employee Relations Representative will convey the final written decision from the University to UNC General Administration (UNC GA) for review. UNC GA will review the decision with OSHR and will respond to the University within **10 calendar days** from the receipt of the University's proposed final decision.
- c. The Vice Chancellor or designee will issue the final decision to the principal parties concerned within **5 calendar days** of receiving the OSHR review/approval. The Final University Decision shall be issued in writing within **90 calendar days** of the initial filing of the grievance
- d. Each decision from the Vice Chancellor, Chancellor or designee shall advise the employee in writing of any right of appeal from the decision
- e. In every employee grievance in which the grievant has the right of appeal to the Office of Administrative Hearings, the final decision of the University to the grievant will include information regarding appealing the final written decision to the Office of Administrative Hearings and procedures for filing such an appeal