



NORTH CAROLINA A&T STATE UNIVERSITY

CHAPTER 100 - PERSONNEL POLICIES

UNIVERSITY POLICY 160, EHRA NON-FACULTY GRIEVANCE

SECTION 160.1 POLICY STATEMENT

North Carolina A&T State University (N.C. A&T or University) is committed to providing a process and ensuring that all non-faculty employees who are exempt from the State Human Resources Act are afforded due process to seek redress of employment-related grievances.

SECTION 160.2 PURPOSE

This policy outlines the formal process for non-faculty employees exempt from the State Human Resources Act to grieve and/or appeal employment-related concerns, issues, or decisions that cannot be resolved informally.

SECTION 160.3 SCOPE

This policy applies to EHRA non-faculty employees.

SECTION 160.4 DEFINITIONS

- (a) “Complainant” means the grievant or person who alleges wrongdoing and filed the grievance.
- (b) “EHRA Non-Faculty Employees” includes Senior Academic and Administrative Officers as defined in Section I.b. and governed by UNC Policy Manual, § 300.1.1, and employees designated within the non-teaching EHRA Instructional or Research category under N.C. Gen. Stat. § 126-5, and as defined in UNC Policy Manual § 300.2.1.
- (c) “EHRA Non-Faculty Grievance Committee” means the group of people assigned to formally address complaints or problems alleged by EHRA non-faculty employees.
- (d) “Good Cause” means a reasonable or legally sufficient reason. Good cause to postpone a hearing includes, but is not limited to:
 - Illness of a party;
 - Death in the immediate family of the requesting party;
 - A need to obtain an interpreter or translator;
 - A religious observance;
 - Jury duty;
 - Party actively seeking legal representation;

- Unrelated court appearance;
 - Active military duty;
 - Recusal of panel member; or
 - Ongoing settlement negotiations.
- (e) “Hearing Panel” or “Panel” is composed of the chairs and members of the EHRA Non-Faculty Grievance Committee (Committee) who are designated to hear a specific case.
- (1) “Respondent” means a person who the Complainant alleged to have engaged in actions that gave rise to the grievance. For purposes of this policy, “Respondent” refers to one or more persons alleged to have engaged in wrongdoing.

SECTION 160.5 ISSUES

Section 160.5.1 Permissible Issues for Grievance

The following issues may be grieved, reviewed, and/or resolved:

- (a) Unlawful or impermissible discrimination based on race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information or disability where an adverse employment action is taken (pursuant to University Policy 204, Equal Opportunity and Nondiscrimination; University Policy 207, Sexual Harassment, Discrimination, and Misconduct; University Policy 209, Unlawful Harassment and Discrimination; and/or other applicable policy);
- (b) Protected activity (violations of law or policy protections, including the First Amendment or political activity);
- (c) Discharge for cause (including incompetence, unsatisfactory performance, neglect of duty, and misconduct);
- (d) Violation of notice requirements related to expiration of a term appointment, discontinuation of appointment, termination because of financial exigency, or program curtailment;
- (e) Complaints regarding the interpretation and application of policy provisions in accordance with UNC Policy §§ 300.1.1 and 300.2.1; and
- (f) Denial of a request for the removal of alleged inaccurate or misleading material contained in the EHRA non-faculty employee’s personnel file. Employees have the right to place a statement in their file with an explanation of the material considered inaccurate or misleading.

Section 160.5.2 Impermissible Issues for Grievance

The following issues shall not be grieved, reviewed, and/or resolved under this policy:

- (a) Dissatisfaction with a general application of N.C. A&T and/or UNC System policies challenged on grounds that the policies are unfair;
- (b) Faculty matters;
- (c) Subject to the State Human Resources Act (SHRA) employee matters;
- (d) Matters that are already being investigated or under review pursuant to another established administrative procedure or policy; and
- (e) Review of, or attempts to overturn such administrative decisions as department or unit reorganization.

SECTION 160.6 INFORMAL RESOLUTION

Employees and managers are encouraged to identify and promptly resolve workplace issues at the department level. Before filing a request for a formal review under this policy, EHRA Employees are encouraged to first meet with the supervisor whose actions gave rise to the grievance, and/or the next-level manager.

Staff in the [Division of Human Resources, Office of Employee Relations](#) (OER) is available to consult with employees about any complaint or concern, and can assist in arranging and/or facilitating a timely meeting with supervisors or managers if requested by the employee.

SECTION 160.7 REQUEST FOR FORMAL GRIEVANCE HEARING

- (a) The formal internal grievance process begins when an EHRA Employee (Complainant) files a formal grievance request in accordance with this Policy. Complainants must complete and submit an [EHRA Non-Faculty Grievance Filing Form](#), or provide a written statement outlining the grievance.
- (b) The grievance must be submitted to a Chair of the EHRA Non-faculty Grievance Committee (Committee) within 30 calendar days of the adverse decision that gave rise to the grievance. The deadline for submitting the grievance may be extended for good cause.
- (c) Upon receipt of the grievance, the Chair will notify OER, review and make a determination as to whether the allegations fall within the Committee's jurisdiction, and acknowledge receipt to the Complainant in writing, with a copy to the Respondent.
- (d) Depending on the allegations contained in the grievance, OER or the Title IX Office may investigate the allegations using considerations including, but not limited to the employee's employment status and the subject matter of the grievance.

- (e) Merely submitting a grievance or requesting a formal hearing does not extend employment.

SECTION 160.8 CONFIDENTIALITY

- (a) Committee members, parties, assistants, and witnesses shall maintain strict confidentiality concerning all aspects of the grievance process.
- (b) Documents submitted or created in connection with matters that come before the Committee and the information contained in those documents shall be treated as confidential personnel information.
- (c) Confidential records and information gathered from discussions that are part of the formal grievance process shall not be disclosed to or discussed with any person except:
- Individuals participating in the hearing as provided in this policy;
 - Persons required or permitted to be consulted in accordance with the requirements of the department, college, University or the UNC Policy Manual; or
 - Persons allowed access to the documents pursuant to law.
- (d) Individuals involved in the hearing process shall sign a Confidentiality Agreement as directed by the Director of Employee Relations.
- (e) Violation of the confidentiality requirements of this policy may result in discipline.

SECTION 160.9 WITHDRAWAL OF GRIEVANCE

- (a) The Complainant may withdraw the request for hearing and decision at any time during the grievance process.
- (b) If a panel has been designated to hear the matter, the Complainant shall provide the written withdrawal to the Committee Chair and Director of Employee Relations. The Director of Employee Relations shall provide written notice of the withdrawal to the Panel, Respondent, Office of Legal Affairs, and relevant Cabinet member with a copy to the Complainant, and formally close the case.
- (c) If the Committee provided its Committee Report to the Chancellor, and the Chancellor has not issued the Chancellor's Decision when the Complainant withdraws the grievance, the Complainant shall provide the written withdrawal to the Director of Employee Relations and Chancellor within five calendar days of the conclusion of the hearing.
- (d) The Chancellor shall notify the Respondent, Office of Legal Affairs, and relevant Cabinet member with a copy to the Complainant, and formally close the case.

POLICY HISTORY:

Eff. January 18, 2022

AUTHORITY: Board of Trustees

POLICY OWNER: Vice Chancellor for Human Resources

RESPONSIBLE OFFICE: Office of Employee Relations

RESOURCES:

Appendix A to University Policy 160, Pre-Hearing and Hearing Procedures for EHRA Non-Faculty Employees

Appendix B to University Policy 160, EHRA Non-Faculty Grievance Committee

University Policy 161, EHRA Non-Faculty Employees

University Policy 204, Equal Opportunity and Non-Discrimination

[University Policy 207, Title IX Sex-Based Misconduct](#)

University Policy 209, Unlawful Harassment and Discrimination

[N.C. Gen. Stat. § 126-5](#)

[UNC Policy Manual Chapter 300](#)

[UNC Code Chapter VI, § 611](#)

[Article 5 of the State Human Resources Act](#)