**Changes to Procedures for Resolving Faculty Grievances (under Section 607(3) of the Code of the University of North Carolina).**

Relevant Policy URLs:

Grievance process: <https://legal.uncc.edu/legal-topics/faculty-policy-guidance/procedures-resolving-faculty-grievances>

Preparing a petition: <https://legal.uncc.edu/legal-topics/faculty-policy-guidance/guidelines-preparing-faculty-grievance-petition>

1) Allow exceptions to one-year time limit (re: **Section IV.A.).**

 Current policy indicates a petition will be denied (see **Section V. B.**) if the action leading to a grievance occurred more than 12 months prior to the petition filing. A problem arises if the petitioner “first becomes aware of the facts….” more than 12 months ago but has worked (unsuccessfully) with the respondent to resolve the issue OR there has been a continuation of the event/issue that began more than 12 months ago into the most recent 12 month period. Although the Grievance Committee can waive that limit, it would be more labor- and time-effective if the University Mediation Coordinator (UMC) was given that authority.

 *Suggested change:* Allow the UMC or Grievance Committee to make this determination.

Current (**Section IV.A.)**: “A petition must be filed within twelve months after the faculty member first becomes aware of the facts upon which the petition is based. The Grievance Committee may waive that limit for good cause shown.”

Proposed #1: “A petition must be filed within twelve months after the faculty member first becomes aware of the facts upon which the petition is based. The UMC or Grievance Committee may waive that limit for good cause shown.”

2) Clarify respondents are notified only after petition is accepted (see **Section IV.B.**).

 The current wording has cause confusion. It can be interpreted as the respondent(s) need to obtain a copy of the petition when it is first given to the UMC. I believe the intent is (or should be) that this occurs only when the petition is complete and accepted by the UMC.

 *Suggestion*: Change wording in Section IV. B. to refer to how a petition is given to the UMC; Add “Section IV. C. Once Petition is Accepted” that described how the respondent(s) is to be notified.

Current: “After the petition is prepared, the faculty member must file the petition with the University Mediation Coordinator (hereinafter “UMC”) and with the respondent administrator(s).”

Proposed: “After the petition is prepared, the faculty member must file the petition with the University Mediation Coordinator (hereinafter “UMC”). After a petition is accepted, the petition will be shared with the respondent administrator(s).”

3) Change “formal notification” requirement (see **Section IV.B.**).

 The current policy requires Formal Notice, which is an unnecessarily burdensome task (e.g., certified mail or hand-delivery by an uninvolved party). It also is not clear is the petition must be hard-copy.

*Suggestion*: Allow UMC to share electronic documents with parties via DropBox or some other secure electronic system.

Current: “The faculty member shall deliver a copy of the petition to the respondent administrator by Formal Notice, as defined in the UNC Charlotte Tenure Policies, Regulations, and Procedures.”

Proposed: “The faculty member or UMC shall provide an electronic copy of the petition to the respondent administrator.”

4) Clarify confidentiality provision (i.e. who can the respondent share the petition with). (see **Section IV. B.** and **Section VIII. G.**).

 The only wording related to confidentiality is under Section VIII. The Grievance Committee. It begins “The Grievance Committee and all individuals involved in the resolution of a grievance shall treat all documents submitted or created in connection with the process of review of a grievance, and the information contained therein, as confidential personnel information.”

 *Suggestion*. Eliminate confusion about confidentiality expectations prior to a grievance reaching the Grievance Committee by including an expanded language earlier in the policy document.

Proposed: Add the following text to the end of **Section IV. B**. “The Respondent, and all individuals involved in the resolution of a grievance at this point, shall treat a petition and all accompanying documents as confidential personnel information.”

5) Maintaining of mediation records (see **Section V. B.**).

 As part of the Standards of Practice described by the International Ombudsman Association (IOA), the Ombuds Office does not maintain official records. Because the UMC is also the Associate Faculty Ombuds, and a part of the Ombuds Office, that individual should not maintain any official records. In addition, if the UMC keeps this responsibility, there are unanswered questions concerning record storage location, storage length, and how means of storing electronic records.

Current: "The UMC shall also provide appropriate assistance in training members of the Grievance Committee, obtain and preserve for the University record all documents relating to the processing and hearing of each ﬁled grievance and maintain an accurate statistical record of all grievance activity related to Section 607(3) of The Code as required by the Board of Governors."

Proposed: "The UMC shall also provide appropriate assistance in training members of the Grievance Committee, obtain and deliver to the Office of Legal Affairs for preservation of the record all documents relating to the processing and hearing of each ﬁled grievance and maintain an accurate statistical record of all grievance activity related to Section 607(3) of The Code as required by the Board of Governors.”

6) Correct who maintains list of approved mediators (see **Section VII.A.**)

 The Office of the President does not maintain a list of approved mediators.

 *Suggestion*: Remove reference to Office of President.

Current: “The UMC, in conjunction with the Office of the President of The University of North Carolina, will maintain a list of approved mediators.”

Proposed: “The Office of Legal Affairs will maintain a list of approved mediators.”

7) Clarify training of mediators (see **Section VII.A.**).

 There is no definition of what “training program” an approved mediator must complete. There are multiple types of certification, no one particular certification is necessary.

 *Suggestion*: Have there be a more formal understanding with the Office of Legal Affairs that the UMC can decide if persons are trained sufficient to be involved in faculty grievances at UNCC.

Current: “An approved mediator is one who has completed the required training program in mediation and who has received additional training about grievances arising from Section 607(3) of The Code.”

Proposed: “An approved mediator is one who has completed mediation training and who has received additional training about grievances arising from Section 607(3) of The Code.”

8) Allow exception to required mediation (see **Section VII**).

 Current policy is to require mediation after a grievance petition has been accepted by the UMC and prior to involvement of the Grievance Committee. Sometimes, mediation has been attempted before the petitioner submits a grievance petition. In that case, it seems unnecessary to go through a second mediation process.

 *Suggestion*. Make the following change to policy:

Current: “While there can be no requirement that forces a party to reach a mediated agreement, The University of North Carolina at Charlotte requires that parties participate in a mediation process as the first step in formally resolving a grievance.“

Proposed: “While there can be no requirement that forces a party to reach a mediated agreement, The University of North Carolina at Charlotte requires that parties participate in a mediation process as the first step in formally resolving a grievance. If all parties involved have been through a different UNC Charlotte-sponsored mediation, then this formal mediation requirement can be ignored if all parties agree.“