



Part 1 – General Personnel

2-2-101 Administrative/Professional Exempt Staff.

2-2-102 Appeal Process.

Administrative/professional exempt staff employees may appeal their performance evaluation rating to the appropriate Vice President (Vice President for administrative/professional staff who reports directly to the President) within five (5) working days of receipt of the evaluation rating from the supervisor. The Vice President or President will make a determination of the appeal within ten (10) working days of receipt of the evaluation rating from the supervisor. Failure to meet the five day time period by the employee will negate the appeal; failure by the Vice President to respond within the ten (10) day time period will result in the appeal being upheld. Submission of an appeal must include a specific statement of the reason for the appeal (i.e. specific points of disagreement), appropriate supporting documentation, and a statement of the relief requested. Decision of the President is final.

2-2-103 Resignation.

2-2-103(1) Indefinite Term. Employees serving on indefinite term appointments may resign at any time without notice or approval. Employees who provide thirty (30) calendar days advance written notice of resignation shall be entitled to use any accrued or unused vacation leave prior to resignation and/or receive payment for up to 288 hours of accrued and unused vacation leave remaining at the time of resignation at the choice of the University. Employee's not providing such notice shall forfeit any accrued and unused vacation leave.

2-2-103(2) Definite Term. Employees serving on definite term appointments may resign prior to the end of the term without consent at the end of any fiscal year provided written notice is given sixty (60) calendar days in advance of the termination date unless otherwise approved by the President.

2-2-104 Lay Off.

Employees, both indefinite and definite term, may be laid off at any time due to lack of work, lack of resources, reorganization, or other circumstances where the position is eliminated, reduced or made unnecessary as determined in the discretion of the University. Thirty (30) calendar days written notice of layoff will be given to affected employees to the extent resources permits, as determined in the discretion of the Board or President.

2-2-105 Recall.

The names of full-time, definite term employees who are laid off shall be maintained on a recall list for 360 calendar days from the effective date of layoff. Persons on a recall list shall have a right of first refusal for any exempt position vacancy at the University for which they are qualified based upon a comparison of the job description for the vacant position and the person's qualifications. Qualification shall be determined by the President. If more than one person on a recall list is qualified for the same vacancy, the best qualified, as determined by the President, shall be entitled to priority for recall. Any person selected for recall shall be notified, in writing, of the position vacancy, and their right of first refusal, by certified mail return receipt requested, addressed to the person's last known address as appears in the personnel file maintained by the University. Such right of first refusal must be exercised within seven (7) calendar days of the date when delivery of notice is made or attempted as determined by postal certificate. If the person elects to accept the position, they shall be required to begin employment within thirty (30) calendar days of the date of delivery or attempted delivery of notice as determined by postal certificate unless a longer period is otherwise agreed to or required by the University. Upon reemployment pursuant to this procedure the employee shall be entitled to be restored to a level of compensation comparable to that provided to other employees in similar positions with like terms of service at the University (inclusive of all service prior to layoff) as determined by the University. If the best-qualified person refuses recall, the position shall be offered to the next best-qualified person in descending order until a person accepts or all qualified persons have been offered the position, whichever occurs first.

2-2-106 Grievance Procedure.

2-2-106(1) Resort To Other Procedures. In recognition of the fact that the commitment of the University and the grievant to this process is necessary in order to achieve its designed objectives, if the grievant seeks resolution of the subject matter of a pending grievance in any forum or by any set of procedures

other than those established in this procedure, whether administrative or judicial, the University shall be under no obligation to proceed any further with the matter here-under. The act of filing an action in another forum in order to avoid violating a time limitation shall not be considered a violation of the intent of this paragraph.

2-2-106(2) Confidentiality. Grievance proceedings shall be maintained as confidential subject only to the need of the grievant and the University to comply with the processes specified herein and to the present evidence concerning the grievance in other administrative or judicial proceedings. All hearings shall be held in private.

2-2-106(3) Definitions. For the purpose of this procedure:

- (a) The term “grievance” shall mean an allegation that the grievant's employment rights and entitlement has been adversely affected due to a violation, misapplication or misinterpretation of University policies, regulations, or procedures.
- (b) The term “grievant” shall mean an identified person (or group of persons) who was an employee of the university at the time the action giving rise to the grievance occurred.
- (c) “Working Days,” as used in this Board Policy Manual, means all days other than (a) those designated as “university holiday,” “university closed” or “spring break” on the UNC Calendar maintained on the University website, (b) the days following the last day of classes of the fall semester and prior to the first day of classes of the spring semester, (c) the days following the last of classes of the spring semester and prior to the first day of classes of the fall semester of the following academic year, and (d) Saturdays and Sundays.

2-2-106(4) Time Limitations. When any action which is required to be taken with a specified time period is not taken in time, the following shall apply:

- (a) If the grievant fails to act within the time limits provided herein, the University shall have no responsibility to process the grievance and it shall be deemed withdrawn.
- (b) In case the University fails to act in time, the grievant may proceed to the next review level and any subsequently issued decision on the matter at

the by-passed level, shall be void

2-2-106(4)(a) Informal Procedure. A grievance must first be presented in writing and informally to the grievant's immediate supervisor. The grievance must be filed within twenty-five (25) working days of the date on which the grievant knew or should have known of the action or condition which occasioned the grievance. The supervisor upon learning of the grievance shall investigate the matter as deemed appropriate and respond to the grievant in writing within five (5) working days of the date the grievance was filed with the supervisor's office.

2-2-106(4)(b) Formal Procedure. If the grievance is not resolved pursuant to 2-2- 106(4)(a) and the grievant desires to pursue the matter, the grievant shall formalize the grievance and file it with the jurisdictional vice president within five (5) working days of the decision [See also 2-2-106(4)(a)]. The formalized grievance shall be presented in writing. The written submission shall state the specific policy, regulation, or procedure alleged to have been misinterpreted, misapplied or violated, the effect on the grievant and the relief requested. The appropriate Vice President (or designee) shall investigate the grievance as deemed appropriate and respond to the grievant in writing within five (5) working days from the date the written grievance statement was filed with the appropriate Vice President's office.

2-2-106(4)(c) Appeal to President. If the grievance is not resolved pursuant to 2-2- 106(4)(b), and the grievant desires to pursue the matter, the grievant shall file a written notice of appeal with the President within ten (10) working days of the date of delivery of the decision [See also 2-2-106(4)(b)] to the grievant. The President may elect to issue a decision based upon their own investigation, the findings and recommendation of a designee, or the findings and recommendations of an **investigative** panel. Prior to the issuance of a decision, and after any investigation is completed, the President shall hold an informal conference with the grievant in an attempt to effect a settlement. If no settlement is reached at that meeting, the President shall proceed to issue a decision. The President shall, within fifteen (15) working days after the grievance was filed [See also 2-2-106(4)(b)], notify the grievant of their decision. The President's decision shall be final.

Policy History

2-2-106 GRIEVANCE PROCEDURE.

Subsection 2-2-106(3)(c) Definitions amended (Jan 2012)