

UNC Charlotte Academic Procedure: Procedures for Resolving Faculty Grievances (arising under Section 607(3) of The Code of The University of North Carolina)

Applicable to all [Section 607\(3\)](#) grievances filed on or after April 25, 2024

I. EXECUTIVE SUMMARY

These grievance procedures are established to implement [Section 607](#) of The Code of The University of North Carolina ("the Code") and Board of Governors [UNC Policy 101.3.1.3\[R\]](#) "Regulation on Grievances Filed Pursuant to Section 607 of the Code." To the extent that these procedures are determined to conflict with either of the foregoing policies, the foregoing shall prevail.

II. PROCEDURE STATEMENT

I. The Purpose and Scope of the Grievance Procedure

[Section 607](#) of the Code provides a process for faculty members to seek redress concerning matters directly related to the terms and conditions of employment, **other than** those involving decisions about reappointment or non-reappointment; promotion; the conferral of tenure; disciplinary discharge, suspension or demotion; termination; or such matters that otherwise do not constitute a grievance under [UNC Policy 101.3.1.3\[R\]](#).

Grievances must be based upon a decision made by an administrator in a supervisory role over the faculty member. The grievance must allege that the decision was in violation of federal or state law, UNC Policy or Regulation, or UNC Charlotte policy, and that the faculty member was negatively affected by such decision. Grievances do not include matters that are subject to the jurisdiction of another standing committee of the faculty, or subject to another institutional process as may be required under applicable law (e.g., issues involving illegal discrimination or research misconduct investigations).

Faculty are encouraged to consult with the University Ombuds, a confidential, informal, impartial, and independent resource to University employees, for guidance regarding the issue or issues of concern or for more information regarding these procedures.

II. Standard for Determining Contested Grievances

In order to prevail in the formal grievance process, a faculty member must establish, by a preponderance of the evidence, the allegations in the grievance and that the faculty member is entitled to relief.

III. Initiation of a Formal Grievance

A. Preparing a Petition

Any current faculty member with a [Section 607](#) grievance, as set forth in Sections I and II above, may file a petition for redress in accordance with the procedures explained in this document. The petition is a written document that describes:

1. the nature of the grievance (within the scope described in Section I);
2. the party or parties against whom the grievance is directed;
3. the relief sought;
4. the steps, if any, previously taken to reach informal resolution of the grievance; and
5. any relevant additional information necessary to establish the validity of the grievance.

Faculty members may obtain additional guidance on preparing the petition by consulting "[Guidelines for Preparing a Grievance Petition](#)." 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 time limit for good cause shown.

B. Filing the Petition

The faculty member must file the petition with the Faculty Grievance Advisor (see Section IV below). The Faculty Grievance Advisor (hereinafter "FGA") will review the petition to determine if it meets the criteria set forth in Section III.A. The Faculty Grievance Advisor will review the petition in collaboration with the Office of Legal Affairs to determine whether the petition should be referred to the Office of Civil Rights and Title IX (hereinafter "CRTIX") for further review, as set forth in Section IV.B.2 below.

C. Confidentiality

The Faculty Grievance Advisor, Grievance Committee, mediator (if engaged), and all individuals named in and 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. Such confidential records, information, and verbal information derived from any discussions that are part of the formal review process shall not be disclosed to or discussed with any person except those participating in the review of the grievance as provided in these policies, those persons required or permitted to be consulted in accord with decisions of the Grievance Committee, those persons permitted access to such documents by law, or for purposes of providing legal counsel for the parties. Violation of this section may expose a faculty member, including an administrator, to disciplinary action.

IV. The Faculty Grievance Advisor

A. Selection of the Faculty Grievance Advisor

The Faculty Grievance Advisor is a senior faculty member with permanent tenure with knowledge of the University's grievance process. The Faculty Grievance Advisor shall be appointed by the Faculty President in accordance with appointment procedures approved by the Faculty. The Faculty Grievance Advisor shall serve a three-year term, which is renewable, for a maximum of six consecutive years. The Faculty Grievance Advisor shall not serve on any departmental or college reappointment, promotion, or tenure committee, or on either the Faculty Hearing or Faculty Grievance Committees concurrent with appointment as the Faculty Grievance Advisor, and shall not be an active participant or advisor on behalf of any party in any grievance during their term(s) as Faculty Grievance Advisor.

B. Responsibilities of the Faculty Grievance Advisor and Petition Review Process

1. The Faculty Grievance Advisor shall review each petition and to determine whether:
 - a. the petition contains all of the required elements described in Section III.A. of this procedure;
 - b. the facts described in the petition, if true, would be sufficient to establish that the decision by an administrator in a supervisory role over the faculty member was in violation of federal or state law, UNC Policy or Regulation, or UNC Charlotte policy, and that the faculty member was negatively affected by such decision; and
 - c. the petition has been filed within the twelve-month period described in Section III.A above, or that the Faculty Grievance Advisor or Grievance Committee has waived that time limit for good cause shown.

The Faculty Grievance Advisor will consult with the Office of Legal Affairs on legal determinations, such as whether the facts described in the petition would violate an applicable right or privilege based on federal or state law, UNC Policy or Regulation, or UNC Charlotte policy. If the Faculty Grievance Advisor determines that the petition is incomplete in any respect, the Faculty Grievance Advisor shall require the petitioning faculty member ("petitioner") to correct the deficiency before the petition is further considered.

If the petition was not timely filed, the Faculty Grievance Advisor may dismiss the petition or waive the time requirement for good cause shown. Petitions dismissed for untimeliness by the Faculty Grievance Advisor may be appealed to the Grievance Committee. The Grievance Committee's decision regarding whether to extend the time period for filing is final and not subject to further appeal.

2. If the Faculty Grievance Advisor refers the petition to CRTIX for further review pursuant to Section III.B, CRTIX shall determine whether the petition contains allegations of discrimination based on protected status in violation of [University Policy 501, Nondiscrimination and Procedures for Addressing Reports of Discrimination](#), or allegations of sexual misconduct or interpersonal violence in violation of [University Policy 502](#) or [University Policy 504](#). If so, the petition will be addressed consistent with the applicable policy rather than this grievance procedure.
3. The Faculty Grievance Advisor shall provide notice to the respondent of petitions that warrant further review. Hereinafter, the term "respondent" is used to refer to one or more administrators named in the grievance.
4. The University recognizes the importance of resolving employment related problems and concerns efficiently. Although not required, the Faculty Grievance Advisor may, if deemed appropriate in the relevant circumstances, encourage the petitioner and respondent to seek informal resolution through mediation, as described in Section IV.D below.
5. In addition to processing responses to petitions consistent with the foregoing provisions, the Faculty Grievance Advisor shall provide appropriate assistance in training members of the Grievance Committee, obtain and maintain, consistent with the University's [Records Retention Schedule](#) 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.

C. Appeal of the Faculty Grievance Advisor's Decision

The petitioner may appeal the Faculty Grievance Advisor's determination that the petition does not meet one or more of the requirements set forth in Section IV.B.1 above to the Chair of the Grievance Committee. If the Grievance Committee concurs with the judgment of the Faculty Grievance Advisor that the petition is insufficient or incomplete, it will so notify the petitioner, and no further action will be taken on the grievance until the Faculty Grievance Advisor or Grievance Committee determines that the petitioner has submitted a revised petition that corrects any deficiency or insufficiency.

If the Grievance Committee disagrees with the Faculty Grievance Advisor's determination that the petition was not timely filed, or waives the time limit, it will so notify the petitioner and the Faculty Grievance Advisor. If the Grievance Committee has resolved all matters appealed to it by the petitioner pursuant to this section favorably to the petitioner, it shall instruct the Faculty Grievance Advisor to advise the parties of the option to proceed with either a formal grievance hearing or mediation, as appropriate.

V. Mediation

- Mediation is a procedure in which the petitioner and respondent engage the assistance of a neutral party (the University Ombuds or another trained mediator assigned by the Faculty Grievance Advisor) to help them in achieving a voluntary, bilateral settlement agreement that finally and definitively resolves all or portions of the grievance, without having to engage in a formal grievance process with the Grievance Committee.
 - Mediation of a faculty grievance is voluntary and may be initiated by either party to the grievance by giving notice to the Faculty Grievance Advisor. The Faculty Grievance Advisor will notify the other party that a mediation has been initiated and will communicate with the parties to determine whether the parties mutually agree to engage in a mediation. A decision by either party **not** to pursue mediation will not be held against that party in any way, and no fault will attach to either party if mediation does not produce a settlement.
 - If the parties agree to mediation of the grievance, the Mediation Procedures in [Appendix A](#) apply.

If the grievance is settled through mediation, there is no right of appeal by either party, and the grievance is considered resolved. If mediation fails to produce a settlement, the Faculty Grievance Advisor will engage the formal grievance process in Sections VI. and VII. below, so long as the grievance is otherwise qualified under Section III.B or C above.

No record of a failed mediation process will be produced by the mediator other than an unelaborated written statement to the Faculty Grievance Advisor that mediation was attempted, but a resolution was not reached.

The mediator may not be called as a witness in any subsequent formal grievance procedure, and nothing done or said by either party during a mediation process may be referred to or used against a party in any subsequent proceeding.

VI. Grievance Committee

A. Scope and Powers

The Grievance Committee is established pursuant to [Section 607\(1\)](#) of the Code and the Constitution of the Faculty and is authorized to hear and advise the Chancellor with respect to a petitioner's alleged violation of federal or state law, UNC Policy or Regulation, or UNC Charlotte policy. If the Committee finds that a violation has occurred, it may also recommend an adjustment to remedy the injury.

If the grievance is against the Chancellor, the Grievance Committee will give its advice to the Board of Trustees.

The Grievance Committee is authorized to make such rules of procedure as it considers necessary for the conduct of its tasks, provided such rules are consistent with the requirements of these Procedures and other applicable policies. Such rules shall be made available to the petitioner and the respondent(s) to assist their understanding of the procedures to be followed in conducting a hearing.

B. Composition

The Grievance Committee is elected by the faculty. It consists of twelve faculty members, including faculty members elected from each professional rank. No dean, department chair, department head, senior administrative officer, or mediator currently eligible to mediate such grievances at UNC Charlotte shall serve on the Grievance Committee. The Grievance Committee shall elect its chair each year.

C. Terms of Office

The Grievance Committee members shall serve staggered four-year terms and may serve no more than two consecutive terms. The term of office shall begin at the conclusion of the final Faculty Council meeting of the academic year. Grievance Committee members may be removed by a two-thirds vote of the faculty present at a general faculty meeting.

D. Election

The faculty shall elect the Grievance Committee members by majority vote before the last day of classes of each spring semester, or as appropriate to fill a vacancy.

E. Conflicts of Interest, Incapacity, or Temporary Vacancy

A Grievance Committee member who holds an appointment in the department of a person directly involved in a grievance, who will testify as a witness at the hearing, or who has any other conflict of interest bias, or appearance of bias, or who appears to be unable for any reason to assess the evidence fairly, impartially, and without prejudice, is disqualified and shall not participate as a Grievance Committee member in the proceedings described in Section VII. If such Committee member does not recuse himself or herself from the proceedings, the petitioner or respondent may request that the chair of the Grievance Committee consider excluding from the proceedings any member of the Grievance Committee who they believe has a conflict of interest or bias. If the disqualified member is the Grievance Committee chair, the remaining Grievance Committee members shall elect one of the members to fill the vacancy while these conditions exist. The Grievance Committee shall also select one of its members with permanent tenure to replace the chair if they are incapacitated or absent.

If the Grievance Committee should have fewer than four qualified members because of conflicts of interest, bias, incapacity, or temporary vacancy, elections shall be held promptly in accordance with Sections VI.B and VI.D above to staff the Grievance Committee while these conditions exist. If the need arises during the summer terms, the President of the Faculty, in consultation with the Faculty Executive Committee, may make temporary appointments to fill vacancies on the Grievance Committee. If a permanent vacancy occurs, elections shall also be held promptly in accordance with Sections VI.B and VI.D to fill the vacancy for the unexpired term.

VII. Administrative Decision

A. Review by the Grievance Committee

If the grievance is not fully resolved through mediation, then the issues not resolved will be reviewed by the Grievance Committee.

B. Standard for Determining Contested Grievances

The standard of review for determining contested grievances is set forth in Section II above.

C. Conduct of Hearing

While the Grievance Committee is authorized to make its own rules for the conduct of hearings, the following standards shall be observed with respect to all such hearings:

1. The hearing shall be conducted informally and in private with only the eligible members of the Grievance Committee, the Grievance Committee's legal counsel, the petitioner and respondent, and such witnesses as may be called in attendance, except that each person directly involved in the grievance may be accompanied by one person of their choosing to serve as an advisor.
2. Both the petitioner and respondent may elect to bring an attorney to serve as such an advisor.

3. The advisor(s) shall not present evidence or make any arguments at the hearing.

At the hearing, the petitioner may present evidence in support of the petitioner's contentions, and the respondent will have an opportunity to respond.

A quorum for the hearing will consist of a minimum of four eligible members of the Grievance Committee. The Chair of the hearing has responsibility for keeping a complete transcript of the testimony and preserving all documents that are accepted by the Grievance Committee at the hearing as evidence. Only the evidence so compiled is to form the basis for Grievance Committee conclusions about the case and any resulting advice to the Respondent and the Chancellor. All witnesses may be questioned by the Grievance Committee members and by the persons directly involved in the grievance. Except as herein provided, the conduct of the hearing is under the control of the Chair of the hearing.

The burden is on the petitioner to establish by a preponderance of the evidence that the petitioner has experienced an injury that would entitle the petitioner to relief in accordance with the standard set out in Section II above.

D. Recommendation of the Grievance Committee

After receiving the evidence at the hearing, the Grievance Committee will make a recommendation to the Chancellor and shall prepare a written report of its findings, which shall be provided to the petitioner, the respondent, and the Chancellor. The written report shall indicate whether the party with the burden of proof has met its burden, and what, if any, relief is recommended.

If the Grievance Committee determines by a preponderance of the evidence that a violation of federal or state law, UNC Policy or Regulation, or UNC Charlotte policy has occurred, the Grievance Committee shall so advise the Chancellor in its written report. If the Grievance Committee recommends that an adjustment in favor of the petitioner is appropriate, the Grievance Committee shall so advise the Chancellor.

If the Grievance Committee determines that there is no violation of federal or state law, UNC Policy or Regulation, or UNC Charlotte policy, or otherwise that the petitioner has no remediable injury, it shall so advise the Chancellor in its written report. In the unlikely event that the Grievance Committee finds a violation but no remediable injury on behalf of the petitioner, the Grievance Committee may recommend corrective action to address the violation to the Chancellor for further consideration.

E. Chancellor's Decision

The Chancellor shall decide whether to accept, reject, or modify the faculty grievance committee's finding and recommendation. The Chancellor shall base their decision on the record. The Chancellor may, in their discretion, consult with the faculty grievance committee before making the decision. The decision of the Chancellor is the final administrative decision.

The Chancellor shall notify the petitioner and the respondent, in writing, of the Chancellor's decision. The notification to the parties shall include a notice of any available appeal rights and the timeline for any available appeal.

If the Chancellor's decision is in favor of the petitioner, the Chancellor shall notify the Grievance Committee and the petitioner in writing whether they will make the recommended adjustment or a different adjustment satisfactory to the petitioner. If the Chancellor does not provide any such notice to the Grievance Committee within twenty-one (21) days after the Grievance Committee's written recommendation, or if the Chancellor does not make the recommended adjustment or a different adjustment satisfactory to the petitioner, within a reasonable period of time, the Grievance Committee shall advise the Chancellor of its recommendation that an adjustment is appropriate.

If the Chancellor's decision is not in favor of the petitioner, the petitioner may appeal the Chancellor's decision to the Board of Trustees as set forth in Section VIII below. In the unlikely event that the Chancellor finds a violation but no remediable injury on behalf of the petitioner, the Chancellor may recommend corrective action to address the violation.

F. Notice of the Chancellor's Decision

The Chancellor shall notify the petitioner and the respondent in writing of the Chancellor's decision. The notification shall include a notice of appeal rights, if any, and, if the decision is appealable, it shall contain the information specified in Section VIII.C.1 below.

G. Effect of Termination of Employment

The faculty grievance process is a process available to current members of the faculty. A petitioner whose University employment ends for any reason during the pendency of a grievance proceeding is not entitled to continue to pursue the grievance. If the employment of a petitioner ends for any reason after the grievance is filed, the Chancellor may, however, in their discretion, determine that it is in the best interest of the institution to continue the grievance process.

H. Grievances Against the Chancellor

If the Chancellor is the party against whom the petitioner's grievance is directed under Section III above, then references to the Chancellor in this Section VII shall be construed as references to the Board of Trustees.

VIII. Appeal to the Board of Trustees

A. Decisions That May Be Appealed

1. If the Chancellor finds in favor of the petitioner, then the decision of the Chancellor is final and may not be appealed.
2. If the Chancellor does not find in favor of the petitioner, the petitioner may appeal the Chancellor's decision to the Board of Trustees.

B. Delegation to the Executive Committee

The Board of Trustees' Executive Committee is authorized to make procedural decisions and to make final decisions on behalf of the Board concerning dispositions or appeals of faculty grievances pursuant to these Procedures.

C. Timeline for Appeals

1. If the Chancellor's decision is appealable, the Chancellor's notice of the disposition of a petitioner's case must inform the petitioner that:
 - a. a written notice of appeal to the Executive Committee must be filed with the Chancellor within 14 calendar days after the Chancellor issues their decision,
 - b. a written notice of appeal containing a brief statement of the basis for appeal is required within the 14-day period, and
 - c. after notice of appeal is received in a timely manner, a detailed schedule for the submission of relevant documents will be established by the Executive Committee and transmitted to the petitioner.

All such notices of decision are to be conveyed to the petitioner by Formal Notice, as defined in [University Policy 102.13, Tenure Policies, Regulations, and Procedures](#).

2. A petitioner who seeks to appeal the Chancellor's disposition of the grievance must file written notice of appeal with the Executive Committee by transmitting such notice to the Chancellor by Formal Notice, as defined in [University Policy 102.13, Tenure Policies, Regulations, and Procedures](#), within 14 days after the petitioner's receipt of the Chancellor's decision. The notice shall contain a brief statement of the basis for the appeal. The Chancellor shall transmit such notice to the Executive Committee.
3. The Executive Committee may, in its sole discretion, waive or extend the 14-calendar day timeline for a petitioner to file written notice of appeal.
4. If the Executive Committee agrees to consider the appeal, it will do so on a schedule established by the Chancellor, subject to any instructions established by the Executive Committee. The Executive Committee will issue its decision on behalf of the Board of Trustees as expeditiously as is practical. If the petitioner fails to comply with the schedule established for processing the appeal, the Executive Committee in its discretion may extend the time for compliance or it may dismiss the appeal.

D. Standard of Review by the Executive Committee

In order for the Executive Committee to reverse or modify the decision of the Chancellor, the petitioner must demonstrate that the Chancellor's decision was clearly erroneous, that it violated applicable federal or state law, UNC Code or Policies, or University policies or regulations, or that the process used in deciding the grievance was materially flawed.

E. Notice of Decision of the Executive Committee

The decision of the Executive Committee on behalf of the Board of Trustees shall be written and shall be sent to the petitioner and to the Chancellor.

F. Finality of the Executive Committee's Decision

The decision of the Executive Committee is the final decision on the petition by the Board of Trustees. No further appeal is permitted within the University of North Carolina.

III. DEFINITIONS

There are currently no definitions for this procedure.

IV. PROCEDURE CONTACT(S)

- **Authority:** [Office of the Provost and Vice Chancellor for Academic Affairs](#)
- **Responsible Office:** [Office of the Provost and Vice Chancellor for Academic Affairs](#)
- **Additional Contact(s):** [Office of Legal Affairs](#)

V. HISTORY

- Approved by Faculty Council, October 16, 2003
- Approved by the Board of Trustees, December 5, 2003
- Approved by the Office of the President, January 6, 2004
- Revisions approved by the Board of Trustees December 3, 2004
- Revisions approved by the Board of Trustees October 11, 2017
- **Revisions endorsed by the Faculty Council October 28, 2021**
- Revisions endorsed by the Faculty Council on March 28, 2024
- Revisions approved by the Board of Trustees April 25, 2024

VI. RELATED POLICIES, PROCEDURES, AND RESOURCES

- [Section 607](#) of The Code of The University of North Carolina
- [UNC System Policy 101.3.1.3\[R\] "Regulation on Grievances Filed Pursuant to Section 607 of the Code"](#)
- [Appendix A, Mediation Procedures](#)
- [University Policy 102.13, Tenure Policies, Regulations, and Procedures](#)
- [Disposition of Appeal: Instructions to General Counsel](#)
- [Guidelines for Preparing a Grievance Petition](#)
- [Grievance Hearing Procedures](#)

VII. FREQUENTLY ASKED QUESTIONS

- **Where is this procedure referenced?**
The procedure is published on the Academic Policies & Procedures webpage of the [Provost website](#).

UNIVERSITY OF NORTH CAROLINA

ADDRESS

9201 University City Blvd
Charlotte, NC 28223

PHONE

704-687-8622

RESOURCES

[Alumni Association](#)
[Maps & Directions](#)
[Parking & Transportation](#)
[My UNC Charlotte](#)
[Directory](#)
[Library](#)
[Give](#)
[Partnerships](#)
[Careers](#)
[Contact Us](#)
[Terms of Use](#)
[University Policies](#)

HEALTH & SAFETY

[Alerts](#)
[Report an Incident](#)
[Emergency Response](#)
[Health and Safety](#)