

**3359-22-05 Contract professional grievance procedures.**

(A) Preamble.

- (1) The university of Akron seeks to employ the most capable personnel to work together in pursuit of the university's goals of teaching, research, and public service.
- (2) As people work together to carry out their responsibilities, they may occasionally encounter misunderstanding and differences of opinion. It is important to the welfare of the university to keep such problems at a minimum and attempt to resolve differences expeditiously to the satisfaction of all parties involved.
- (3) Contract professionals are an integral part of the daily operation of the university. Due to the nature of their responsibilities, however, their concerns pertaining to rights, responsibilities, and well-being may sometimes differ from those of other members of the university community. The grievance procedures set forth below for contract professionals is a system by which a complaint can be impartially reviewed by the contract professional grievance committee "CPGC." For purposes of this rule, a "complaint" shall not include any matter pertaining to a contract professional's separation from employment "without cause" or termination from employment "for cause." The grievance process for a name-clearing hearing to be utilized in matters pertaining to separation or termination is set forth in paragraph (I) herein.

(B) Purpose. The purpose of this procedure is to establish a prompt and equitable method for reviewing contract professional grievances which have not otherwise been solved through normal departmental procedures, and recommending to the president of the university the resolution of such grievances.

(C) Operating procedure for the grievance process. The time limit governing the various parts of the grievance process may be extended for good cause at the discretion of the "CPGC."

(D) Jurisdiction.

- (1) The "CPGC" shall have original jurisdiction to receive and act

upon complaints filed by contract professionals in accordance with the procedures provided herein.

- (2) The "CPGC" shall not substitute its judgment for the performance evaluation of the supervisor but may address itself to such charges as arbitrary, capricious, or unreasonable action which violates the procedural or substantive rights of the complainant.
- (3) Actions related to discrimination and/or sexual harassment may be referred to the office of equal employment opportunity.

(E) Complaint process.

- (1) In an effort to encourage the prompt, fair, and amicable solution of differences at the main point of origin, the contract professional should first discuss the problem with the immediate supervisor or designee.
- (2) If the problem cannot be resolved at this level, the complainant must submit a complaint in writing to the immediate supervisor or forego action on the complaint. This must be done within seven working days from the date that the complainant determines the problem to be unresolvable with the immediate supervisor or designee.
- (3) The immediate supervisor or designee will respond within seven working days to the complaint. If at the end of that time period the problem cannot be resolved, the immediate supervisor must inform the complainant of the decision in writing and send a copy of the decision to the superior or designee in the normal administrative channels of that department or division. This process continues to the second level supervisor. If not resolved at this point and the complainant has not already reached this level, the complaint goes directly to the vice president or appropriate chief administrative officer.
  - (a) If no response is given from the immediate supervisor or if the complainant is not satisfied with the response, the complainant may within seven working days submit the complaint to the second level supervisor

- (b) The second level supervisor, within seven working days, shall respond to the complainant
  - (c) If no response is given from the second level supervisor or if the complainant is not satisfied with the response, the complainant may, within seven working days, submit the complaint to the vice president, unless the vice president is the second level supervisor. If the vice president is the second level supervisor the complainant must submit the complaint to the "CPGC."
  - (d) The vice president or the "CPGC," within seven working days, shall respond to the complainant.
- (4) Each decision shall be recorded in writing with copies to all parties involved.
- (5) If the complainant is not satisfied with the decision at the vice president's level, or if the time period of thirty-five working days from the day the complainant first submits the written complaint to the immediate supervisor has elapsed with no decisions having been rendered, the complainant may then file a formal written grievance with the "CPGC" of the university of Akron.
- (F) Filing of grievance. Within seven working days after a vice presidential decision has been made, the complainant may submit a formal written grievance to the chair of the "CPGC" with all pertinent documentation of previous discussions, including a summary of the issue, the remedy sought and timeline of previous steps.
  - (1) The complainant will receive notification of "CPGC's" decision within seven working days from the date that the grievance has been filed.
  - (2) While the grievance will not generally be rejected merely because the administrative sequence has not been followed, the "CPGC" shall inform human resources of all such delays and the concerns, if any, caused by such delays.
  - (3) The "CPGC" will inform human resources of the receipt of the

grievance.

(G) Investigation of grievance.

- (1) Within seven working days of receipt of the grievance, the "CPGC" shall review the grievance to determine if it is within the "CPGC's" purview and if the complainant process has been followed.
- (2) If the grievance is outside the "CPGC's" purview, the grievance will be rejected. If the complaint process was not followed, the grievance may be rejected.
- (3) If accepted the "CPGC" has seven working days during which the chair shall appoint one or more committee members to meet privately with the complainant and one or more other committee members to meet privately with the party or parties with whom the grievance has been lodged.
  - (a) "CPGC" conducts interviews with complainant and parties involved.
  - (b) "CPGC" meets to review findings of the interviews and votes to continue the investigation of the grievance or reject the grievance.
  - (c) The appointed committee members shall have authority to review copies of any records, documents, or other pertinent information or materials which are relevant to the grievance.
  - (d) The "CPGC" may call upon any member of the university community to appear before the "CPGC" and it shall be incumbent upon any person to cooperate fully with the committees. The complainant and the immediate supervisor shall not be permitted to participate in the committee's deliberations, but they shall be invited before the committee to raise and answer questions regarding the grievance.
  - (e) Within ten working days following their appointment,

committee members shall complete their interviews and report their findings in writing to a full "CPGC" meeting.

- (H) Disposition. The recommendations of findings and supporting rationale shall be transmitted in writing to the parties, the respective vice president, the president and the executive director of human resources. The president or designee shall inform the complainant and "CPGC" of any further action in the matter.
- (I) Hearing, including name-clearing hearing in connection with separation from employment "without cause" or termination from employment "for cause."
- (1) In the event a contract professional believes that his or her separation from employment "without cause" or his or her termination from employment "for cause" constitutes a deprivation of a "liberty" interest protected by the due process clause of the United States Constitution, the contract professional shall be afforded name-clearing hearing before the board of trustees.
- (2) A contract professional requesting a hearing shall initiate the request in writing to the secretary of the board of trustees within ten days following the date of notification of separation without cause or termination for cause. For purposes of this rule, "days" shall include only regular business days, Monday through Friday, during which the university is open for business, and shall not include holidays.
- (3) The secretary of the board of trustees shall notify the contract professional regarding the procedures for the conduct of the hearing, and set the date and time for the hearing, which shall be on or about thirty days from the date of the request for the hearing. The contract professional shall have the right to be assisted by an advisor or attorney at his or her own cost, but such advisor or attorney shall not actively participate in the hearing, other than to privately counsel and advise the contract professional.

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Certification: \_\_\_\_\_  
Ted A. Mallo

Secretary  
Board of Trustees

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