HRM-027

# Resolving Grievances for University Staff Employees

**Effective Date** Friday, May 22, 2009

**Status** Final

**Last Revised** Monday, April 24, 2023

**Policy Type** University

**Contact Office** UVA Human Resources

**Oversight Executive**
Vice President and Chief Human Resources Officer

**Applies To** Academic Division and the College at Wise.

**Table of Contents**


Policy Statement
1. Alternative Dispute Resolution
2. State Grievance Procedure
3. University Grievance Process
4. Compliance with Policy

Procedures


## Reason for Policy

This policy provides a process for orderly and prompt resolution of work-related problems for University staff employees.

## Definition of Terms

### Alternative Dispute Resolution (ADR)

**Description**

The use of alternative, non-adversarial processes to address stakeholder concerns generally using a neutral third party.

### Executive & Senior Administrative Staff (E&SA)

**Description**

University staff employees on limited term appointments having significant administrative responsibilities and duties and exercising considerable independent discretion and having the ability to commit the University to a long-term course of action. This category includes:

- University executive officers including executive vice presidents and vice presidents but excluding academic administrators (whose primary responsibility is administrative but who oversee an academic or academic-support unit of the institution such as the provost, deans, university librarian, and the vice president for research).
- The president's direct reports.
- Senior administrative officers with a direct reporting line to any of executives named above, academic administrators, or presidential professional staff, for example, associate or assistant vice presidents, associate or assistant deans with administrative responsibilities, vice provosts with administrative responsibilities, executive directors, directors, or other key senior staff.
- Head and associate head coaches/coordinators on individually negotiated contracts.

## Grievance

**Description**

An unresolved complaint concerning the application of University policy, practice, or procedure that is communicated in writing by a University staff employee to an appropriate University official, usually the employee's supervisor.

## Managerial & Professional Staff Employee (M&P)

**Description**

University staff employees who manage a division or subdivision of a major academic or administrative unit and/or exercise significant knowledge, discretion and independent judgment gained through advanced education or experience. This category includes coaches on individually negotiated contracts, other than head or associate head coaches/coordinators (see definition of E&SA). M&P staff are typically exempt employees under the provisions of the Fair Labor Standards Act (FLSA), and therefore not subject to the FLSA provisions governing the payment of overtime.

## Operational & Administrative Staff Employee (O&A)

**Description**

University staff employees performing duties and having other operational responsibilities in areas such as, but not limited to, office, laboratory, student, and library support; building construction and maintenance; equipment services; public safety; and other operational responsibilities. O&A staff are typically non-exempt employees under the provisions of the Fair Labor Standards Act (FLSA) and therefore are subject to the FLSA provisions governing the payment of overtime.

## University Staff Employees (University Staff)

**Description**

Those salaried, non-faculty employees hired on or after July 1, 2006, and those salaried non-faculty employees and administrative and professional faculty electing to participate in the UVA Human Resources System established by the Board of Visitors under the authority granted by the *Restructuring Act* and the *Management Agreement*. (The term "University Staff Employee" includes all three categories of University staff employees - Operational & Administrative, Managerial & Professional, and Executive & Senior Administrative.)

## Management Agreement

### Description

The agreement between the University and the Commonwealth required by Subsection D of § 23.1-1004 of the *Restructuring Act*.

## Restructuring Act

### Description

The *Restructured Higher Education Financial and Administrative Operations Act*, Chapter 10 of Title 23.1 of the Code of Virginia.

### Policy Statement

The University is committed to the fair treatment of all its employees. When there are workplace concerns, University staff employees and their supervisors are encouraged to find informal and constructive means of resolving them, including voluntary mediation and other Alternative Dispute Resolution (ADR) methods. If ADR measures do not resolve the problem, then non-probationary employees have access to either the State Grievance Procedure or the University Grievance Process.

This policy shall not be construed to deny eligible University staff employees access to the State Grievance Procedure; the discrimination complaint process of the University's Office for Equal Opportunity and Civil Rights, the Commonwealth of Virginia Department of Human Resource Management's (DHRM) Office of Workforce Engagement, or appropriate state or federal agencies; or any other formal complaint process to which they are entitled.

This policy does not alter any other University policies; create any right of action, obligation, or expectation that the University will engage in ADR beyond what is agreed to by an authorized University representative; or be construed to authorize arbitration or collective bargaining prohibited by state law.

1. **Alternative Dispute Resolution (ADR):**
   The University authorizes and encourages University staff employees and supervisors to use collaborative methods of resolving disputes and disagreements regarding its operations. Any employee, supervisor, or member of management may request ADR by contacting UVA Human Resources (Employee Relations), the University Ombuds, Faculty Employee Assistance Program (FEAP), or DHRM. All of the parties to a dispute must voluntarily agree to participate in good faith, ADR may be used to resolve an issue in controversy and, further, any resulting resolution or agreement shall bind the parties only when reduced to writing and signed by them. If such resolution or agreement is also approved in writing by the Vice President and Chief Human Resources Officer or designee(s) and is consistent with federal and state law and University policy, it shall bind the University as well.
2. **State Grievance Procedure:**
   Those M&P and O&A University staff employees who were hired as University staff employees, or who were subject to the State Grievance Procedure prior to the effective date of the Management Agreement between the University and the Commonwealth, shall have access to the State Grievance Procedure. (See chart below.)
3. **University Grievance Process:**
   A "grievant" under this process must be an eligible University staff employee submitting an eligible complaint in writing in accordance with the University Grievance Procedures set forth in this policy.

a. ***Eligible Employee:***
To be eligible to use the University grievance process, an employee must either have been hired as:

- E&SA Staff.
- A member of the University's Administrative and Professional Faculty, electing to participate in the University Staff System as E&SA, M&P, or as O&A Staff and who previously did not have access to the State grievance system before electing to join the University Staff system.

**Summary of University Staff Category & Applicable Grievance Process**

| Categories of University Staff Employees | State Grievance Procedure | University Grievance Policy |
|---|---|---|
| **E&SA** | | **X** |
| **Hired as O&A** | **X** | |
| **Hired as M&P** | **X** | |
| **Hired as Classified Staff and Elected to become M&P** | **X** | |
| **Hired as A&P Faculty and Elected to become O&A** | | **X** |
| **Hired as A&P Faculty and Elected to become M&P** | | **X** |

b. ***Eligible Complaint:***
To be eligible for resolution under this process, the grievance must arise from one of the following categories:

a. Complaint of Disciplinary Action -- A complaint that the University staff employee has been subjected to inappropriate disciplinary action (e.g., written reprimand, suspension, or termination) during their employment.
b. Complaint of Violation of Terms and Conditions of Employment or Employment Contract Breach -- For University staff employees eligible to use this process, a complaint that the University has violated their terms and conditions of employment; and for University staff employees hired with an individual employment contract, a complaint that the University has violated the terms and conditions of their employment contract.
c. Complaint of Retaliation -- A complaint that the University staff employee has been subjected to acts of reprisal in their employment as a result of using this grievance procedure or participating in this grievance procedure on behalf of another employee. For purposes of this

policy, retaliation occurs when an employer (through a manager, supervisor, administrator, or director) fires an employee or takes any other type of adverse action (e.g., reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment) against an employee for engaging in protected activity.

Complaints regarding performance appraisals, flexible work schedule decisions, work force reduction, changes in reporting lines, and other matters not within one of the categories listed above (i.e., complaints of disciplinary action, violations of terms and conditions of employment or breach of contract, or retaliation) are not matters subject to grievance and are addressed in HRM-018: Performance Management & Career Development for University Staff Employees, HRM-012: Workplace Flexibility, HRM-017: Temporary Reduction in Workforce for University Staff Employees, and HRM-014: Standards of Conduct for University Staff Employees. However, such issues may be appropriate for ADR.

NOTE: Complaints of prohibited discrimination, harassment, or retaliation should be filed with the Office for Equal Opportunity and Civil Rights (EOCR) in accordance with EOCR's established complaint procedures.

4. **Compliance with Policy:**
   Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination in accordance with relevant University policies.

   Direct questions about this policy to UVA Human Resources.

**Procedures**

The University follows the DHRM State Grievance Procedure.

**Related Information**

EXT-001: Administrative Dispute Resolution
HRM-021: Terms and Conditions of University Staff Employment

Additional Information on Alternative Dispute Resolution

**Major Category** Human Resource Management

**Next Scheduled Review** Friday, April 24, 2026

**Revision History**

Revised 4/24/23; Added Compliance section 7/20/21.

**Policy Summary**

When there are concerns or problems arising out of employment, University staff employees and their supervisors are encouraged to resolve such concerns informally through discussion, including voluntary mediation and other Alternative Dispute Resolution (ADR) methods. If these measures do not resolve the problem, University staff employees have access to either the State Grievance Procedure or the University Grievance Process depending on their employment category as outlined in Section 3.a of this policy.

**Approved By** Executive Vice President and Chief Operating Officer

**Approved Date** Friday, May 22, 2009