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Policy Information

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UHAP Chapter 6
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Scope

6.01 Scope of Chapter

This chapter applies to all grievances and complaints by or against appointed personnel of the University, including faculty, that are not provided for in UHAP Chapters 3, 4, or 5 and in Arizona Board of Regents (ABOR) Policy Manual, 6-201 and 5 of this Handbook. Those chapters set out rules and procedures for grievances and complaints concerning personnel matters, i.e., matters regarding appointment, performance evaluation, renewal, nonrenewal, promotion, continuing status, tenure, resignation, removal, suspension, dismissal, and releases due to institutional financial emergency or reorganization.

The rules and procedures in this chapter are established pursuant to the ABOR Conditions of Service and shall not be construed so as to supersede or conflict with any provision contained in those conditions or any provision contained in UHAP Chapters 3, 4, or 5 of this Handbook.

Policy

6.02 General Administrative Procedures

All grievances or complaints by or against appointed personnel shall be filed with and addressed first by the immediate administrative head of the individual about whom the grievance or complaint is
made. All grievances or complaints shall be filed in writing no later than 90 days from the date on which the grievant becomes aware of the matter that gives rise to the grievance, except for matters related to compensation.

Grievances or complaints regarding compensation shall be filed no later than 30 days from the date the grievant or complainant receives notice of the matter which gives rise to the grievance or complaint.

The written grievance must include the factual basis for the complaint, a summary of any efforts to informally resolve the issue, and a proposed resolution. The written grievance is limited to 5 pages in length.

The immediate administrative head shall review the grievance or complaint and develop any factual information required for a decision on the matter. The administrator may consult with standing committees or appoint a special committee or an individual to investigate the matter. The administrator shall communicate his or her decision in writing to the grieving or complaining party and, if applicable, to the party against whom the grievance or complaint is made, stating the factual basis and reasons for the decision. This process will typically be completed within 30 days of the administrator's receipt of the grievance, however, the administrator may extend this timeframe for good cause.

Within 10 days after receipt of the administrator's decision, the grieving or complaining party may appeal the decision to the next administrative level. The written appeal – no more than 5 pages in length – must outline the basis for appealing the prior decision and a proposed resolution. Additional factual development may be undertaken at the next administrative level if deemed necessary. The decision at that next administrative level is not subject to further administrative review, except as otherwise provided in this chapter.

6.03 Unlawful Discrimination and Unconstitutional Action Review Procedures

If a grievance contains an allegation of unlawful discrimination, the matter will be immediately referred to the Office of Institutional Equity (OIE).

If the grievance alleges other unconstitutional action (including violations of due process or academic freedom) and this aspect of the grievance is not resolved through administrative review under Section 6.02, the grievant may request the Provost's Office to review the matter. Where such a request is made, the Provost will consult with the administrative heads who reviewed the grievance under Section 6.02 and may take action deemed appropriate to resolve the matter.

The Provost's decision is final and is not subject to further administrative review.

6.04 Additional Grievance Procedures for Faculty and Academic Professionals

If a grievance or complaint by a member of the General Faculty (as defined in Article II, Section I of the Constitution of the General Faculty of the University of Arizona) is not resolved through administrative review under Section 6.02 or Section 6.03, that individual may utilize the Grievance Policy and Procedures for Faculty and Academic Professionals found in Article VII of the Bylaws of the General Faculty of the University of Arizona [2].

If a grievance or complaint by a faculty member or academic professional employee who is not a
member of the General Faculty is not resolved through administrative review under section 6.02 or section 6.03, and that grievance is for suspension without pay or dismissal, the individual may file a petition with the Committee on Conciliation and, if conciliation is not possible, then subsequently with the Committee on Academic Freedom and Tenure (CAFT), in alignment with ABOR 6-201L and 6-302L, but following the timelines and process described in ABOR 6-201L.

6.05 Protection of Employees from Reprisal for the Disclosure of Information: Retaliation: Review Procedure

See ABOR policy 6-914 Protection of Employees from Reprisal for Whistleblowing.
Related Information*

Bylaws of the General Faculty of the University of Arizona [2]

Committee on Conciliation [3] web page

Committee on Academic Freedom and Tenure [4] web page

ABOR policyPolicy 6-914 Protection of Employees from Reprisal for Whistleblowing [5]

ABOR Policy 6-201, 302

Revision History*

Section 6.04 revised February 2011

Section 6.05 revised September 2002

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Links
[1] mailto:facultyaffairs@email.arizona.edu
[2] https://arizona.app.box.com/s/66hyca3wf0k2vrgwy2upf7soceca1hr3
[5] https://public.azregents.edu/Policy%20Manual/6-914-Protection%20of%20Employees%20from%20Reprisal%20for%20Whistleblowing.pdf