

UC RIVERSIDE
Grievance Procedure for Non-Senate Academic Appointees

I. POLICY REFERENCES

Academic Personnel Manual (“APM”)

- [APM 140](#)—Non-Senate Academic Appointees/Grievances
- [APM 137](#)—Non-Senate Academic Appointees/Term Appointment
- [APM 145](#)—Non-Senate Academic Appointees/Layoff and Involuntary Reduction in Time
- [APM 150](#)—Non-Senate Academic Appointees/Corrective Action and Dismissal
- [APM 035](#)—Affirmative Action and Nondiscrimination in Employment
- [APM 160-20](#)—Academic Personnel Records, Access by the Individual

Standing Order of the Regents

- [103.2](#)—Privilege of a Hearing Before the Academic Senate
- [103.9](#)—Tenure

II. DEFINITIONS

Administrative Consideration: On of two possible options available at Step III if a grievant appeals the Step II decision.

Appeal: A request for a review of a decision.

APM 140 – Non-Senate Academic Appointees/Grievances: Academic Personnel policy that provides non-Senate academic appointees (“appointees”) the opportunity to present grievances, as defined in Section III. This procedure provides the process by which appointees may present grievances. The use of this process shall not be discouraged by the University, either directly or indirectly

Grievance: A written complaint by an eligible non-Senate academic appointee pursuant to Section III.

Grievance Liaison: The office or individual designated locally to receive complaints eligible for review under this procedure.

Grievant: An eligible non-Senate Academic Appointee filling a grievance pursuant to this procedure.

Hearing Consideration: On of two possible options available at Step III if a grievant appeals the Step II decision.

Hearing Officer: Either a University hearing officer or a non-University hearing officer. The grievant may select their preferred type of hearing officer. The University shall select the hearing officer.

Mediation: Mediation is an informal process that facilitates communication between persons who are in conflict. It is voluntary, confidential, impartial, and has no cost to the individuals.

Preponderance of the Evidence: The standard that the grievant or University must meet in order to prevail. It is satisfied when one party has shown that its version of the relevant events is *more likely than not* the correct version.

Reasoned Judgment: A critical deliberative process, including, use of prior knowledge, strongest facts, and the most reasonable opinions to debate the pros and cons of an issue prior to making a decision.

Remedy: Relief that addresses the adverse effect of the management action that was reviewed pursuant to [APM 140](#) under this procedure.

Reviewer: The individual designated by the University to review and issues a written decision at Step II and Step III.

III. SCOPE

- A. A grievance is defined as a complaint by an eligible non-Senate academic appointee that claims:
1. a specific administrative act was arbitrary or capricious and adversely affected the appointee's then-existing terms or conditions of appointment; and/or
 2. a violation of applicable University rules, regulations, or Academic Personnel policies which adversely affected the appointee's then-existing terms or conditions of appointment.
- B. For the purpose of this policy, an act is not arbitrary or capricious if the decision-maker exercised reasoned judgment.
- C. A grievance alleging a violation of [APM 137](#) (Non-Senate Academic Appointees/Term Appointment), [APM 145](#) (layoff and involuntary reduction in time), or [APM 150](#) (corrective action and dismissal) will be considered only if such a grievance alleges a violation of applicable University rules, regulations, or Academic Personnel policies.
- D. A non-Senate faculty member receiving notice of termination before the expiration of his or her appointment, may select as a grievance mechanism either [APM 140](#) or [Section 103.9](#) of the Standing Order of the Regents. In selecting either [APM 140](#) or [S.O. 103.9](#), the non-Senate faculty member waives the right to invoke the other mechanism to review the same grievance.

IV. ELIGIBILITY

- A. This procedure applies only to non-Senate academic appointees of the University, who are not covered by a Memorandum of Understanding. [See Appendix A for a list of Non-Senate Academic Titles] For non-Senate academic appointees covered by a Memorandum of Understanding (MOU), this policy applies only to the extent provided for in the applicable MOU.
- B. Student academic appointees not covered by a MOU are eligible to grieve only matters related to their academic appointment.

V. GENERAL PROVISIONS

A. DESIGNATED GRIEVANCE LIAISON

The Labor Relations Office is the designated Grievance Liaison charged with administering this procedure. Grievances must be filed, in writing, to:

UCR Labor Relations Office
1160 University Avenue,
Riverside, CA 92521
General Information: (951) 827-3641

B. TIME LIMITS AND FILING DEADLINES

Prior to expiration of a time limit, extensions may be granted by the Grievance Liaison upon written request by either party. If the grievant fails to meet a deadline, the grievance will be considered resolved on the basis of the last University response. If a University official fails to meet a deadline, the grievant may move the grievance to the next step in the process. Time limits which expire on days that are not business days at UCR shall be automatically extended to the next University business day. [Refer to Section V, Subsection F. regarding the possible impact on compensation due to extension requested by the grievant.] Refer to Appendix B *Maximum Time Limits* for specific filing and response deadlines throughout the review process.

C. REPRESENTATION

A grievant may represent him or herself or may be represented by another person at any stage of the grievance process. The University shall be represented as the Chancellor or their designee deems appropriate.

D. PAY STATUS

The grievant and the grievant's representative, if employed by the University, shall be granted leave with pay in accordance with regular pay status to attend hearings and meetings convened by the University to consider grievances under this policy. Otherwise, time spent by the grievant and the grievant's representative in investigation and preparation of a grievance shall not be on pay status. Time spent by University employee-witnesses in meetings and hearings convened by the University shall be considered leave with pay in accordance with regular pay status.

E. REMEDY

If the grievance is sustained in whole or in part, the remedy shall not exceed restoring to the grievant the pay, benefits, or rights lost as a result of the violation of University rules, regulations, or Academic Personnel policies; or as a result of an arbitrary or capricious administrative action, less any income earned from any other employment. If the hearing officer's findings and recommendation(s) include a remedy for back pay, the amount of back pay shall be determined by the administration. Disputes over the amount of back pay due may be referred back to the hearing officer for a separate recommendation. Any claim of back pay by a grievant must be supported by appropriate documentation. Payment of attorney fee shall not be part of the remedy. Unless specifically authorized by the Grievance Liaison, compensation shall not be paid for any period that is the result of extension(s) of time requested by or on behalf of the grievant.

F. CONSOLIDATION OF GRIEVANCES

The Grievance Liaison shall decide on whether consolidation is appropriate. The following may be consolidated in one review:

1. grievances of two or more academic appointees; where the grievances are related and consolidation is appropriate under the circumstances; or
2. where two or more grievances filed by the same grievant are based on the same incident, issue, or act; or where two or more grievances filed by the same grievant are based on the same pattern of conduct.

VI. GRIEVANCE PROCEDURE

A. STEP I—INFORMAL GRIEVANCE RESOLUTION

- 1) The informal resolution begins when the grievant informs their supervisor or administrative officer about an action or decision that gives rise to the grievance, whether in person or through written communication, such as a memo or email.
- 2) Prior to filing a formal grievance at Step II, the grievant is encouraged but is not required to attempt an informal resolution with the immediate supervisor or responsible administrator whose action is being grieved. However, attempts at informal resolution do not extend the time limits for filing a formal grievance. The grievant may submit a written request to the Grievance Liaison for consideration to extend the filing deadline at Step II.
3. **Mediation:** If both the grievant and the immediate supervisor agree to enter into a mediation process, they may contact the UCR Office of the Ombudsperson to

initiate this process. The mediation process does not extend time limits for the formal grievance review process set forth in this policy.

4. **In the case of alleged sexual harassment:** The grievant may elect to substitute the campus Sexual Harassment Complaint Resolution for Step I of this policy. If the complaint is not resolved satisfactorily under the Sexual Harassment Pre-grievance Complaint Resolution process, the grievant may file a formal grievance at Step II. The written formal grievance must be filed within fifteen (15) calendar days from the date when the grievant is notified of the result of the pre-grievance complaint resolution process, or within forty-five (45) calendar days from the date the grievant filed the sexual harassment complaint, whichever is earlier.

B. STEP II—FORMAL GRIEVANCE

1. **Deadline:** Unless a written request for an extension has previously been granted to the grievant by the Grievance Liaison, the grievant must file a formal, written grievance at Step II by the earlier of two dates:
 - within thirty (30) calendar days from the date on which the appointee knew, or could reasonably be expected to know of the event or act which gave rise to the grievance; or
 - within thirty (30) calendar days after the date of separation.
2. **Filing a Written Formal Grievance:** The grievant must use the “Step II Formal Written Grievance Form” (Appendix C) and provide the required information. Once a written formal grievance has been filed, no additional issues shall be introduced, except by written mutual agreement of the parties. The written formal grievance must include the following information:
 - a. *for a grievance alleging arbitrary or capricious acts:*
 - identify specific administrative act(s) and a description of how it was arbitrary or capricious;
 - the name of the person(s) alleged to have carried out the administrative act(s);
 - the date(s) when the alleged act(s) or violation(s) occurred;
 - specify how the grievant’s terms or conditions of appointment were adversely affected; and
 - specify the remedy requested.
 - b. *for a grievance alleging violation of applicable University rules, regulations, or Academic Personnel policies:*
 - identify specific section(s) of applicable University rules, regulations, or Academic Personnel policies and a description of how it has been violated;
 - the name of the person(s) alleged to have violated the applicable University rules, regulations, or Academic Personnel policies;

- the date(s) when the alleged act(s) or violation(s) occurred;
- specify how the grievant's terms or conditions of appointment was adversely affected; and
- specify the remedy requested.

3. Upon receipt of a formal written grievance, the Grievance Liaison shall review the grievance and determine whether the grievance is timely, within the jurisdiction of [APM 140](#), and contains sufficient facts that support the allegations made in the grievance.

- a. *If the grievance is incomplete:* The Grievance Liaison shall notify the grievant in writing of the additional information needed and that the grievant has ten (10) calendar days from the date of written notice to provide the requested information. If the grievant does not provide the additional information within the prescribed timeframe, the incomplete claim(s) will not be accepted for review.
- b. *If the grievance is dismissed:* If all or part of a grievance is dismissed, the Grievance Liaison shall notify the grievant of the basis for dismissal:
 - 1) The grievance as filed does not contain the required information and/or is factually insufficient, or the grievant fails to provide requested information within the applicable timeframes.
 - 2) The grievance is untimely and/or outside the jurisdiction of [APM 140](#).
- c. *If the grievance raises multiple issues* the Grievance Liaison will make a determination as described above on each issue. The Grievance Liaison may accept some issues and dismiss others pursuant to this review process.
- d. When the grievance is accepted, the Grievance Liaison shall:
 - 1) Within ten (10) calendar days of receipt, notify the grievant in writing of the acceptance of the formal grievance.
 - 2) Forward the grievance and supporting materials to the Step II Reviewer.
 - 3) Provide written notification to the Step II Reviewer and the grievant of the due date of the Step II response.

4. The Step II Reviewer shall:

- a. Review the grievance, and if appropriate, shall investigate and/or meet with the parties.

- b. Within 30 calendar days from the date of receipt of the formal grievance, send a written response to the Grievance Liaison, who will then forward it to the grievant. The written response shall include a statement of whether the grievance is denied or upheld in whole or in part and that the grievant has the right to appeal the decision to Step III of the grievance procedure.
5. **If Step II grievance involves allegations of discrimination, harassment, or retaliation in violation of [APM 035](#)**, the Grievance Liaison shall forward the grievance to the Locally Designated Official (LDO) who will review it with the UCR Investigation Work Group and assign the case to the appropriate office for investigation according to established and applicable campus procedures. The LDO shall provide the result of any related grievances or investigations to the Grievance Liaison, who at their discretion may forward related information to the Step II Reviewer for consideration in making a Step II decision.

C. STEP III—FORMAL GRIEVANCE APPEAL

1. **Deadline:** A grievance not satisfactorily resolved at Step II may be appealed to Step III. The appeal must be filed with the Grievance Liaison within fifteen (15) calendar days from the date on which the Step II response was issued. When filing a written formal grievance appeal at the level of Step III, the grievant must use the “Step III Formal Written Grievance Appeal Form” (Appendix D), and provide the required information
2. **Filing a Step III formal grievance appeal:** There are two types of review at Step III, Administrative Consideration and Hearing Consideration. All formal grievance appeals will be subject to Administrative Consideration unless there is a written request for Hearing Consideration **and** the issue(s) appealed are eligible for Hearing Consideration.

A written appeal must identify the unresolved issues(s), the remedy requested, and the election of administrative consideration or hearing consideration. If the grievant elected to undergo Step III-hearing consideration, the grievant must specify whether to have a hearing by a University or non-University hearing officer. Except by mutual agreement of the parties, no issues shall be introduced in the Step III appeal that were not included in the original grievance as filed at Step II.

a. Administrative Consideration:

- 1) Within seven (7) calendar days from receipt of a formal grievance appeal, the Grievance Liaison shall forward the following to the Step III reviewer for review and written decision:
 - The appeal to Step III
 - The Step II formal grievance
 - The Step II response

- 2) The designated Step III Reviewer shall determine, based on the record, whether the Step II formal grievance was properly reviewed and whether the decision made at Step II shall be upheld, rejected, or modified.
- 3) Within thirty (30) calendar days from the receipt of the formal grievance appeal, the Step III Reviewer shall provide a written decision, including a statement of reasons for the decision to the Grievance Liaison who will then forward it to the grievant. The Step III Reviewer's decision shall be final.

b. Hearing Consideration:

- 1) Only the following issues are eligible to be appealed for Hearing Consideration:
 - ✓ Non-reappointment ([APM-137-30-c](#))
 - ✓ Layoff or involuntary reduction in time ([APM-145](#))
 - ✓ Corrective action: written censure, suspension, reduction in salary, or demotion ([APM-150](#))
 - ✓ Dismissal ([APM-150](#))
 - ✓ Medical Separation ([APM-080](#))
 - ✓ Allegations of discrimination in violation of [APM-035](#) involving non-reappointment, layoff, involuntary reduction in time, corrective action, or dismissal;
 - ✓ Allegations that procedures in a personnel review were not in consonance with the applicable rules and requirements of the University and/or that the challenged decision was reached on the basis of impermissible criteria, including (but not limited to) race, sex, political conviction.
- 2) Within seven (7) calendar days from receipt of a written request for Hearing Consideration, the Grievance Liaison shall determine whether the grievant has identified an issue eligible to be appealed for hearing consideration:
 - a) If not eligible: the Grievant Liaison shall notify the grievant in writing that the issue(s) is not eligible for Hearing Consideration and that it will be submitted for Administrative Consideration.
 - b) If eligible: the Grievance Liaison shall coordinate a hearing consistent with procedures set forth below under Section VI.D,2 "Conduct of Hearing (based on [APM-140-80](#)). Upon receiving and reviewing the Hearing Officer's recommendations, the Step III Reviewer can reject or modify the hearing officer's recommendations.

D. HEARING

1. Prior to Hearing:

- a. Election of a hearing officer: The grievant may elect either a University hearing officer or a non-University hearing Officer.
 - 1) If the grievant elects a hearing by a University hearing officer: the Grievance Liaison will coordinate the selection of the University hearing officer. There will be no cost to the grievant for a University hearing officer.
 - 2) If the grievant elects a non-University hearing officer: the University shall select the hearing officer. If the designated Step III Reviewer accepts the hearing officer's recommendation(s), the grievant shall pay 50% of the costs for the hearing if the designated Step III Reviewer rejects or modifies the hearing officer's recommendation(s), the University will pay the total costs associated with the hearing.
- b. The parties shall attempt to stipulate in writing issues to be submitted for review at the hearing. If the parties cannot agree, the hearing officer shall define them.
- c. Time frame: Whenever possible, within forty-five (45) calendar days from the receipt of the election for hearing consideration, a hearing officer shall be selected and within sixty (60) calendar days thereafter a hearing date shall be scheduled.

2. Conduct of Hearing:

- a. The hearing officer shall coordinate the hearing process through the Grievance Liaison.
- b. Hearing officer's Authority—**the hearing officer shall:**
 - ✓ Handle all procedural issues which arise before and during the hearing, such as issues regarding the admissibility and weight of evidence.
 - ✓ Make findings of fact based on the evidence presented at the hearing.
 - ✓ Be bound by the provision of [APM 160-20-d\(2\)](#) regarding access to records.
 - ✗ Not have the authority to issue subpoena.
 - ✗ Not recommend adding to, deleting from or otherwise modifying the provisions of University rules, regulations, or Academic Personnel policies.
 - ✗ Not substitute his or her judgment for the academic judgment of a peer review committee or administrative officer.
 - ✗ Not be empowered to evaluate the academic qualification or competence of academic appointees.

- c. **Hearing:** Unless both parties agree in writing to the Grievance Liaison, to the presence of additional parties, the hearing officer shall convene a closed hearing in which each party shall have the opportunity to present evidence, cross-examine witnesses, and submit rebuttal evidence. Evidence may be oral and/or documentary.
- 1) **Information exchange between parties:** Upon request by either party, copies of materials to be introduced at the hearing and the names of witnesses who will testify on each party's behalf shall be exchanged. To the extent possible, such information exchange shall occur at least ten (10) calendar days prior to the hearing.
 - 2) **Order of presentation:** In cases alleging a violation of [APM 137-30-c](#) (Non-reappointment for non-senate academic appointee with eight or more consecutive years of services at least 50% or more), or [APM 150](#) (Corrective Actions and Dismissal), the University's representative shall proceed first in presenting the University's case at the hearing. In all other cases, the grievant shall proceed first.
 - 3) **Record Keeping:** The University will make an audio recording of the hearing unless the parties agree in advance to share the costs of a stenographic record. The grievant shall be permitted to arrange a stenographic record at his/her own expenses even if the University does not agree to share the cost. Labor Relations Office will have custody of the recording and the grievant may obtain one copy of the audio recording at no cost. All materials, reports, and other evidence introduced into the hearing and recorded by an audio recorder, stenographic services, or by other means shall be considered confidential to the extent allowed by law and University policy.

3. Hearing Officer's Findings and Recommendations:

- a. **The hearing officer** shall make findings and recommendations based on the evidence presented at the hearing. No evidence other than that presented at the hearing shall be considered or have weight, except that notice may be taken of any facts that are commonly known and accepted by the parties.
- 1) *In cases alleging a violation of [APM 145](#) (Layoff/Involuntary Reduction in Time) and [APM 150](#) (Corrective Actions and Dismissal):* the hearing officer shall determine whether the University has established by a **preponderance of evidence** that it had good cause to institute such an action.
 - 2) *In cases alleging a violation of [APM 137-30-c](#) (Non-reappointment for non-senate academic appointee with eight or more consecutive years of services at least 50% or more):* the hearing officer shall determine

whether the University has established by a **preponderance of evidence** that it met the standard set forth in this section.

- 3) *In all other cases:* the hearing officer shall determine whether the grievant has established that a specific administrative act was arbitrary or capricious ([APM 140-4-b](#)).
- b. **Time frame:** Within thirty (30) calendar days from the close of the hearing, the hearing officer shall provide the parties in the case and the designated Step III Reviewer with a written statement of findings and recommendations.
3. **Final Decision on Step III Hearing Consideration:** The designated Step III Reviewer shall issue a **final** written decision to the grievant, providing a statement of reasons if the hearing officer's recommendation(s) is rejected or modified, within thirty (30) calendar days from the receipt of the hearing officer's findings and recommendations. If a decision is based on facts different from those found by the hearing officer, those findings must be based on materials in the record.

APPENDIX A
Non-Senate Academic Appointment Titles

APM Reference	Non-Senate Academic Title/Series
230	Visiting Appointments
280	Adjunct Professor Series
310	Professional Research Series
311	Project Scientist Series
320	Agronomist Series
330	Specialist
334	Specialist in Cooperative Extension Series
335	Cooperative Extension Advisor Series
340	Continuing Education Specialist
350	Postgraduate Research Series
358	Faculty Fellow Researcher
360	Librarian—Supervisor/Managers only
365	Associate and Assistant University Librarian
370	Academic Administrator Series
375	Academic Coordinator Titles

APPENDIX B Maximum Time Limits

	Step Description	Timing of Steps in Grievance Process ⁱ
Step I Informal Grievance Resolution	Informal Grievance Resolution: Attempts to resolve grievance informally through discussion or by mediation between grievant and administrator whose action is being grieved. *Sexual harassment allegations: grievant may elect to substitute the campus Sexual Harassment Complaint Resolution Procedure as Step I.	May occur concurrently with Step II. <i>*May file Step II Formal Grievance within 15 calendar days from the date the grievant is notified of the result of the pre-grievance complaint resolution process of the sexual harassment procedure or within 45 calendar days from the date the grievant filed the sexual harassment complaint, whichever is earlier.</i>
Step II Formal Grievance	Filing of Formal Grievance using the form provided in Appendix C	Formal written grievance must be filed with Grievance Liaison within 30 calendar days of the action being grieved or separation date, whichever is earlier.
	Grievance Liaison notifies grievant in writing regarding acceptance or rejection of Formal Written Grievance	No later than 10 calendar days from receipt or written grievance
	If written grievance is incomplete, the Grievant must complete or provide sufficient factual support	Within 10 calendar days of the issuance of Grievance Liaison's written notice
	Step II Reviewer review and issue the Step II Response to Grievant and Grievance Liaison	Within 30 calendar days of receipt of complete written grievance
Step III Formal Grievance Appeal	Filing of Formal Grievance, using the form provided in Appeal using Appendix D, setting forth unresolved issue(s), requested remedy, and election of a hearing officer if requesting Hearing Consideration. ⁱⁱ	Within 15 calendar days of the issuance of Step II Response
Step IIIa. Administrative Consideration	Grievance Liaison forwards Grievance Appeal, Step II Formal Written Grievance, and Step II Response to Vice Provost for Conflict Resolution (or designated Step III Reviewer) for review and written decision.	Within 7 calendar days of receipt of written grievance appeal
	Vice Provost for Conflict Resolution (or designated Step III Reviewer) issues final written decision, including reasons if the Step II decision is rejected or modified in whole or in part.	Within 30 calendar days from Vice Provost (or Step III Reviewer)'s receipt of the formal grievance appeal
Step IIIb. Hearing Consideration	Upon written request, only the following issues are eligible for appeal in accordance with Section VI.C.3.b.: <ul style="list-style-type: none"> • Non-reappointment (APM 137-20-f(1) & (2)) • Layoff or involuntary reduction in time (APM 145) • Corrective action of written censure, suspension, reduction in salary, or demotion (APM 150) • Dismissal (APM 150) • Medical Separation (APM 080) • Allegations of discrimination in violation of APM 035 involving non-reappointment, layoff, involuntary reduction in time, corrective action, or dismissal • Allegations of a procedural violation in a personnel review and/or that the challenged decision was reached based on impermissible criteria, including but not limited to race, sex, or political conviction. 	Must be received by Grievance Liaison within 15 calendar days from the date the Step II Response is issued
Step IIIb. Hearing Consideration	Grievance Liaison evaluates the request for Hearing Consideration according to VI.C.3.b: <ol style="list-style-type: none"> 1. If issue(s) is ineligible, inform grievant that appeal will be reviewed under Administrative Consideration; OR 2. If eligible, the Grievance Liaison shall proceed to select hearing officer and coordination of hearing. 	Within 7 calendar days from receipt of a written request for Step IIIb Hearing Consideration
	Election of a Hearing Officer (University or Non-University)	Shall be done concurrently at the time when the written grievance appeal is filed.
	Selection of a Hearing Officer will be coordinated by the Grievance Liaison according to VI.D.1	Whenever possible, within 45 calendar days of election
	Determination of Hearing Date.	Whenever possible, within 60 days from the selection of a hearing officer
	Hearing Officer provides the Grievance Liaison with a written statement of findings and recommendations	Within 30 calendar days from the close of hearing
	Vice Provost for Conflict Resolution (or designated Step III Reviewer) issues a final written decision, providing statement of reasons if the hearing officer's recommendation(s) is rejected or modified.	Within 30 calendar days from receipt of the hearing officer's statement findings and recommendations

ⁱ Prior to expiration of a time limit, extensions may be granted by the Grievance Liaison upon written request by either party.

ⁱⁱ All formal grievance appeals are subject to IIIa Administrative consideration unless there is a written request for Step IIIb. Hearing Consideration AND the issue(s) appealed are within the jurisdiction for such consideration.