

# Mediation and Grievance Procedure for SHRA Employees

Version 3

 Print

<b>Policy</b>	REG06.35.02
<b>Title</b>	Mediation and Grievance Procedure for SHRA Employees
<b>Category</b>	Personnel
<b>Sub-category</b>	Dispute Resolution, Grievances, and Appeals
<b>Authority</b>	Chancellor / Vice Chancellor for Administration and Finance
<b>History</b>	Previous versions revised 3/2003, 5/2006, 9/2008, 6/2009, 10/2009, 8/2010, 6/2011, 1/2012; 5/2014. Effective date of revised interim regulation: 5/1/2017. Non-substantive updates completed April 28, 2021. Moved to permanent August 15, 2022.
<b>Contact</b>	HR, Employee Relations, 252-328-9819; Office for Equity and Diversity, 252-328-6804
<b>Related Policies</b>	<p>The University of North Carolina System SHRA Employee Grievance Policy (<a href="https://myapps.northcarolina.edu/hr/download/282/shra-grievance-policy-282/3848/shra-grievance-policy.pdf">https://myapps.northcarolina.edu/hr/download/282/shra-grievance-policy-282/3848/shra-grievance-policy.pdf</a> )</p> <p>Office of State Human Resources - Employee Grievance Policy (<a href="https://oshr.nc.gov/documents/files/employee-grievance-policy-university">https://oshr.nc.gov/documents/files/employee-grievance-policy-university</a>)</p> <p>Notice of Nondiscrimination and Affirmative Action Policy (<a href="https://policy.ecu.edu/05/25/02">https://policy.ecu.edu/05/25/02</a>)</p> <p>Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence (<a href="https://policy.ecu.edu/06/40/03">https://policy.ecu.edu/06/40/03</a>)</p>
<b>Additional References</b>	<p>OSHR Personnel Manual (<a href="https://oshr.nc.gov/policies">https://oshr.nc.gov/policies</a>)</p> <p>Administrative Code (<a href="http://reports.oah.state.nc.us/ncac.asp">http://reports.oah.state.nc.us/ncac.asp</a> )</p> <p>Form, SHRA Mediation and Grievance Step 1 Mediation (<a href="https://humanresources.ecu.edu/wp-content/pv-uploads/sites/21/2019/10/SHRA-Mediation-Grievance-Step-1-Appeal-Form-CBC.pdf">https://humanresources.ecu.edu/wp-content/pv-uploads/sites/21/2019/10/SHRA-Mediation-Grievance-Step-1-Appeal-Form-CBC.pdf</a> )</p> <p>Form, SHRA Employee Mediation and Grievance Step 2 Grievance Panel Hearing (<a href="https://humanresources.ecu.edu/wp-content/pv-uploads/sites/21/2019/10/SHRA-Mediation-Grievance-Step-2-Appeal-Form-CBC.pdf">https://humanresources.ecu.edu/wp-content/pv-uploads/sites/21/2019/10/SHRA-Mediation-Grievance-Step-2-Appeal-Form-CBC.pdf</a> )</p> <p>N.C. General Statute § 126-22, Article 7 (<a href="https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_126/GS_126-22.html">https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_126/GS_126-22.html</a>)</p>

1. Unless otherwise exempted from coverage under the State Human Resources Act, staff positions at East Carolina University (“the University” or “ECU”) are governed by personnel policies issued through the Office of State Human Resources (“OSHR”), as approved by the State Human Resources Commission.

2. Effective May 1, 2014, consistent with N.C. Gen. Stat. § 126-34.01, the University of North Carolina adopted system-wide procedures for SHRA Employee grievances, linked above among Related Policies as "The University of North Carolina System SHRA Employee Grievance Policy" ("System Grievance Policy"). The System Grievance Policy applies to ECU employees in SHRA positions and is administered collaboratively by the ECU Department of Human Resources and ECU's Office for Equity and Diversity (OED), as appropriate. To the extent that there may be any conflict between existing ECU policy, regulation or rule, the System Grievance Policy governs. The procedures provided in the System Grievance Policy apply to any grievance made by an SHRA employee, regardless of the status of the respondent.

3. The Associate Vice Chancellor for Human Resources, in consultation with ECU's Equal Employment Opportunity Officer, as applicable, is authorized to adopt and publish such standard operating procedures as may be necessary or convenient for ECU's orderly administration of the System Grievance Policy.

4. Pertinent information included in the System Grievance Policy is outlined below.

4.1. Policy

4.2. Objectives

4.3. Definitions

4.4. Grievable Issues and Who May Grieve

4.4.1. Issues grieved at the University level only

4.4.2. Issues which must first be grieved through the internal University process

4.5. Grievance Process for all Grievable Issues

4.6. Unlawful Discrimination, Harassment or Retaliation Grievance Provisions

4.6.1. Option 1 – EEO Informal Inquiry Process for Unlawful Discrimination, Harassment or Retaliation

4.6.2. Option 2 – External Filing of a Discrimination Charge

4.6.3. Option 3 – Simultaneous Internal and External Filing of a Discrimination Charge

4.7. Informal Discussion

4.8. Formal Grievance – Step 1 Mediation

4.8.1. Purpose of Mediation

4.8.2. Mediation Process

4.8.3. Location and Time Allocation

4.8.4. Office of State Human Resources – Approved Mediators

4.8.5. Mediation Attendees

4.8.6. Post Mediation

4.8.7. Confidentiality of Documents Produced in Mediation

4.8.8. Limitations on a Mediation Agreement

4.8.9. Mediation Agreement Approval

4.8.10. Mediation Responsibilities

4.9. Formal Grievance – Step 2 – Hearing Panel/Hearing Officer

4.9.1. Hearing Process

#### 4.9.2. Right to Challenge Appointed Hearing Officer or Panel Members

#### 4.9.3. Hearing Attendees

#### 4.9.4. Hearing Participant Responsibilities

#### 4.9.5. Grievance Presentation

#### 4.9.6. Hearing Report, Proposed Recommendation, and Final University Decision

#### 4.9.7. Settlement Agreement

### 4.10. Appeal of the Office of Administrative Hearings

#### 4.10.1. University Requirements to Notify Grievant of Appeal Rights

#### 4.10.2. Grievant Access to the Office of Administrative Hearings

### 4.11. Responsibilities for the University SHRA Employee Grievance Policy

#### 4.11.1. University Human Resources, AA/EEO Office Responsibilities

#### 4.11.2. Office of State Human Resources Responsibilities

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## East Carolina University

E 5th Street | Greenville, NC 27858 (<https://www.google.com/maps/place/East+Carolina+University>) | 252-328-6131 (tel:+12523286131)

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