

# OLD DOMINION UNIVERSITY

## University Policy

**Policy #6602**

**CLASSIFIED EMPLOYEE GRIEVANCE POLICY AND PROCEDURE**

**Responsible Oversight Executive:** Vice President for Human Resources **AUTHORITY**

[Code of Virginia Section 23.1-1301, as](#)

[\\_\\_\\_\\_\\_](#), grants authority to the Board of Visitors to make rules and policies concerning the institution. Section 6.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

The [Virginia Personnel Act, Code of Virginia Section 2.2-2900 et. seq., as amended](#), specifies that agency heads shall be the appointing authorities of their respective agencies and shall establish methods of personnel administration within their agencies.

[Commonwealth of Virginia Office of Equal Employment and Dispute Resolution](#)

[Commonwealth's Department of Human Resource Management Policy 1.60, Standards of Conduct](#)

### C. DEFINITIONS

Adverse Employment Action – Any employment action resulting in an adverse effect on the terms, conditions, or benefits of employment.

Agency Head – The head of the state agency. At Old Dominion University, this is the President.

Arbitrary or Capricious – In disregard of the facts or without a reasoned basis.

Grievance – Written complaint on the Grievance Form stating the nature of the claim, the facts in support of the claim, and the relief requested.

Hearing – A meeting of the parties to a grievance wherein a third party appointed by the Commonwealth’s Office of Equal Employment and Dispute Resolution responds to the grievance.

Hearing Officer – Third party official appointed by the Commonwealth’s Office of Equal Employment and Dispute Resolution who conducts the grievance hearing session and renders a ruling on the grievance matter.

Second-Step Respondent – The Dean or Director.

Third-Step Respondent – The Vice President or comparable senior administrator.

Written Notice – Formal disciplinary documentation that is issued when counseling has failed to correct misconduct or performance problems or when an employee commits a more serious offense. A Written Notice may be accompanied by additional actions including suspension, a demotion or transfer with reduced responsibilities and disciplinary salary action, a transfer to an equivalent position in a different work area, or termination. Written Notices are organized into three groups according to the severity of the misconduct or behavior.

#### D. SCOPE

This policy applies to all non-probationary classified employees subject to the provisions of the [Virgsirgrioo\(n\)2.3 \( in\)2.3nml \( W.9 \(o\)-2.9 \(i /lnk BT/Spand 20 BDC1/CS1 cs/MCCS0 1 sc.001 Tc 0.033 Tw 10239](#)

b. Actions that

The grievance should qualify for a hearing if (i) it claims, and (ii) the facts taken as a whole raise a sufficient question as to whether an adverse employment action has occurred as a result of one or more of the following:

- i. Unfair application or misapplication of state and agency personnel policies, procedures, rules, and regulations.
- ii. Discrimination on the basis of race, color, religion, political affiliation, age, disability, national origin or sex;
- iii. Arbitrary or capricious performance evaluation;
- iv. Retaliation for participating in the grievance process, complying with any law or reporting a violation of such law to a governmental authority, seeking to change any law before Congress or the General Assembly, reporting an incidence of fraud, abuse, or gross mismanagement, or exercising any right otherwise protected by law; or
- v. Informal discipline - for example, terminations, transfers, assignments, demotions, and suspensions that are not accompanied by formal discipline (a Written Notice) but are taken primarily for disciplinary reasons.

c. Actions that

Claims that relate solely to the following issues do not qualify for a hearing:

- i. Establishment or revision of wages, salaries, position classifications, or general benefits;
- ii. Contents of

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- i. First Resolution Step – Immediate supervisor
  - ii. Second Resolution Step – Dean or Director
  - iii. Third Resolution Step – Vice President or comparable senior administrator
- b. Qualification for a Hearing – Qualification is determined by the President based upon guidelines provided in the Grievance Procedure Manual.
- c. Hearing – Conducted locally by a third party appointed by the Commonwealth’s Office of Equal Employment and Dispute Resolution.
- d. Review of Hearing Decisions – Administrative and judicial reviews are available to the grievant and the agency and are described in the Grievance Procedure Manual.

