

University of Connecticut Health Center
Rules for Handling Faculty Review Board and Health Center Appeals Committee Grievances/Appeals

Grievance/Appeal Liaison

The Provost and Vice President for Academic Affairs appoints the Grievance/Appeal Liaison (Liaison) to the Health Center Faculty Review Board (HCFRB) and the Health Center Appeals Committee (HCAC). This individual serves to facilitate and coordinate the activities of the HCFRB and HCAC, and to ensure that the grievance/appeal process complies with the relevant University By-laws and these Rules for Handling Faculty Grievances/Appeals. All written communication between the grievant/appellant and the HCFRB, HCAC, or Board of Directors (BOD) must occur via the Liaison. Similarly all communication between the HCFRB or HCAC and the Provost, or the President must occur via the Liaison.

For grievances submitted to the HCFRB or the HCAC, the duties of the Liaison will include the following.

1. To receive and review the cover memo and supporting documents of the grievant/appellant to ensure completeness.
2. To notify the appropriate hearing body (HCFRB or HCAC), the Provost or President, as relevant, and the person(s) named in the grievance/appeal of the pending grievance/appeal.
3. At the time of notification of the appropriate hearing body, to note if any individuals involved in the hearing may have a conflict of interest. In addition, the Liaison will ask the members of the hearing body, the grievant/appellant and the person(s) named in the grievance/appeal to identify any persons involved in the impending hearing who may have a conflict of interest related to adjudication of the grievance/appeal. The resolution of conflicts of interest shall be handled as follows.
 - a) The appropriate hearing body (HCFRB or HCAC) will rule on the alleged conflicts of interest, and identify the member(s) of the hearing body that must recuse themselves from adjudicating the grievance/appeal. A decision of the hearing body does not preclude individual committee members from recusing themselves.
 - b) The HCFRB or HCAC may determine that recused members need to be replaced before the grievance process continues. In such a situation the hearing body may create a list of potential replacement members so long as the criteria of membership for such body, as described in the By-laws, are complied with. This list will be reviewed for conflicts of interest as the original hearing body members were as described above, but any recused members will not participate.
 - c) In the event that all HCFRB or HCAC members are recused, the list of potential replacement members will be developed by the SOM Oversight Committee and the Steering Committee of the SDM Senate, so long as the criteria of membership for such body, as described in the University of Connecticut Laws and Bylaws are observed. This list will be reviewed for conflicts of interests as described above, except the aforementioned bodies of the SOM and the SDM will make the final determinations about who is to be recused and whether sufficient members are in place to conduct the hearing. The list of acceptable nominees will be rank ordered by the nominating bodies. The Liaison will then contact the selected nominees and ask them if they will serve.

If the grievant/appellant or the individual(s) named in a grievance believe the Liaison has a conflict of interest, any decision to replace the Liaison shall be made by the relevant hearing body. A decision of the hearing body does not preclude the Liaison from recusing him or herself. If necessary, the Provost shall name an alternative Liaison for the grievance/appeal.

4. To transmit all documents related to the grievance/appeal to the hearing body, the Provost or President, and the person(s) named in the grievance/appeal, and obtain all additional documents requested by the hearing body. The Liaison will only obtain documents deemed necessary by the hearing body. The grievant/appellant cannot use the Liaison to obtain documents for the purpose of preparing their grievance/appeal.
5. After consultation with the hearing body, the Liaison will determine if it is advisable to assign a staff member to the hearing body who is knowledgeable in legal matters and/or conducting investigations.
6. To provide (to the appellant/grievant and the person(s) named in the grievance/appeal) copies of the recommendations of the hearing body and the decision of the Provost or President.

Grievant/Appellant

The grievant/appellant is expected to comply with the following procedures.

1. Grievances/appeals may be initiated by the grievant or by referral of a Dean, the Provost or President. Grievances/appeals must be submitted through the Liaison. The grievant/appellant shall not directly contact any member of the hearing body regarding the grievance/appeal under review or consideration.
2. The grievant/appellant must provide (a) a cover sheet with (i) the name of the grievant, (ii) persons named as objects of the grievance/appeal, (iii) the nature of the complaint(s), and (iv) the requested remedy; (b) a letter of appeal clearly stating the nature of the grievance/appeal (e.g., what University, Health Center or school policy has been violated, what harm has been done to the grievant/appellant as a result) and what remedies are being requested; and (c) all necessary supporting documents.
3. Upon request of the Liaison, the grievant/appellant must provide a list of members of the hearing body whom the grievant believes have a conflict of interest related to adjudication of the grievance/appeal. The reason for the conflicts of interest must be stated.
4. Should the hearing body request additional information the grievant/appellant must make a reasonable effort to provide the information in a timely manner, or provide an explanation as to why the information cannot be provided. Failure to cooperate may lead to dismissal of the grievance/appeal.
5. After the hearing body presents its findings and recommendations, and after the grievant/appellant is informed in writing of the decision of the Provost or President, the grievant shall have 30 days to submit a written request (with all supporting documentation) for further appeal. The grievant/appellant may request an additional 30 day period in which to submit his/her request for appeal. The Liaison, in consultation with the Provost or President, shall determine whether such a request has merit. If no request for further appeal is submitted within this period the issue shall be considered resolved.

Individual(s) Named in the Grievance/Appeal

Individuals named in a grievance shall comply with the following procedures.

1. Upon request of the Liaison, provide a list of members of the hearing body whom s/he believes has a conflict of interest related to adjudication of the grievance/appeal. The reasons for the conflict of interest must be stated.
2. Should the hearing body request additional information the individual named in the grievance/appeal must cooperate in providing requested information in a timely manner. Failure to cooperate may result in a finding in favor of the grievant/appellant.
3. After the hearing body presents its findings and recommendations, and after the person(s) named in the grievance is informed in writing of the decision of the Provost or President, the person named in the grievance shall have 30 days to submit a written request (with all supporting documentation) for further appeal. He or she may request an additional 30 day period in which to submit his/her request for appeal. The Liaison, in consultation with the Provost or President, shall determine whether such a request has merit. If no request for further appeal is submitted within this period the issue shall be considered resolved.

Health Center Faculty Review Board (HCFRB)

The rules of operation of the HCFRB are as follows:

1. The HCFRB must begin the process of evaluating the grievance within 15 working days of receipt of the grievance with supporting documents from the Liaison. Prior to convening the HCFRB to address the appeal, the FRB Chair initiates the review process by conferring with the Liaison to obtain background details of the appeal. Following the initial evaluation of the grievance, the grievant and the person(s) named in the complaint will be kept informed of the status of the grievance, by the Liaison.
2. The HCFRB will determine which of its members, if any, must be recused and whether replacement members need to be appointed for the grievance/appeal following step 3 described under the "Grievance/Appeal Liaison" section above.
3. The HCFRB may request additional information via the Liaison. The grievant/appellant, the person(s) named in the grievance/appeal and administration must cooperate in providing requested information in a timely manner.
4. If the HCFRB chooses to conduct interviews or hearings that include the grievant, persons named in the grievance/appeal or other individuals, each is entitled to be represented during such interviews. Such interviews or hearings will be held in private. The grievant/appellant and the person(s) named in the grievance/appeal must be offered the opportunity to address the committee in person.
5. Any person about whom judgments are made by the HCFRB must be given an opportunity to be interviewed by the HCFRB before a final report is submitted.
6. The HCFRB and the Liaison will discuss the advisability of assigning a staff member to the HCFRB who is knowledgeable in legal matters and/or conduct of investigations. If the HCFRB and the Liaison cannot agree, the Liaison will determine the need for staff assignment. Any such staff may attend meetings of the committee, but will have no voting privileges.
7. The HCFRB will develop a final report addressed to the Provost that will be sent to the Liaison. If the grievance is against the Provost the report shall be addressed to the President.

8. The committee will take all reasonable steps to conclude its handling of the grievance in a timely manner.

Health Center Appeals Committee:

1. The HCAC must begin the process of considering the grievance within 15 working days of receipt of the related documents from the Liaison.
2. The HCAC will determine which of its members, if any, must be recused and whether replacement members need to be appointed for the grievance following step 3 described under the “Grievance/Appeal Liaison” section above.
3. If the grievance/appeal was first heard by the HCFRB, then the nature of the grievance/appeal must be the same as that previously submitted to the HCFRB unless the new grievance/appeal concerns the process used by the HCFRB in its handling of the original grievance/appeal.
4. Prior to convening the HCAC to address the appeal, the HCAC Chair initiates the review process by conferring with the Liaison to obtain background details of the appeal.
5. The HCAC may define what additional information it needs and who it will call for interview. The grievant/appellant, the person(s) named in the grievance/appeal and administration must cooperate in providing requested information in a timely manner.
6. The HCAC and the Liaison will discuss the advisability of assigning a staff member to the HCAC who is knowledgeable in legal matters and/or conduct of investigations. If the HCAC and the Liaison cannot agree, the Liaison will determine the need for staff assignment. Any such staff may attend meetings of the committee, but will have no voting privileges.
7. For issues not related to appointment, promotion and tenure, the HCAC may elect to attempt to mediate a mutually agreeable resolution to the grievance/appeal. The Liaison will not participate in this process except to be the conduit for communication between the HCAC and other parties, as appropriate. In attempting a mediation, the grievant must agree, in writing, that the proposed solution would be acceptable to resolve the grievance before the HCAC proposes the solution to the person against whom the grievance is filed. Such mediation should be attempted in a timely fashion. The HCAC, through the Liaison, will notify all parties in writing regarding the terms of a successful mediation with a copy sent to the Provost or President.
8. The HCAC may decide that there is insufficient substance to the grievance/appeal to justify further investigation. Such a determination will not be made unless the grievant/appellant has been afforded the opportunity to directly address the HCAC in person. The grievant/appellant may have representation at such a meeting.
9. If mediation is not appropriate or fails, and if the HCAC agrees that there is sufficient substance to the appeal, the HCAC will add two *ad hoc* members. These *ad hoc* members shall be selected as follows. The Liaison shall provide the HCAC with a list of all faculty at senior rank who are eligible to serve. The HCAC shall select at least ten faculty from this list. The list of selected faculty will be shared by the Liaison with both the grievant/appellant and the individual(s) named in the grievance/appeal. The grievant/appellant may remove up to two faculty from this list without explanation. Similarly, the individual named in the grievance may remove up to two faculty from the list without explanation. If more than one individual is named in the grievance, they may, as a group, remove a maximum of two faculty from the list without explanation. If the grievant/appellant or the individual(s) named in the grievance/appeal believe additional faculty should be removed from the list, the cause for removal from the list must be stated. The members of the HCAC will then rule if these additional faculty should be removed from the list based on the causes put forth by either the grievant/appellant or the individual(s) named in the

grievance/appeal. Under no circumstances shall such recusals result in fewer than two faculty who are eligible to serve remaining on the list. Two *ad hoc* members are then appointed from the faculty remaining on the list in the following manner: the HCAC will rank the candidates in the order they should be approached by the Liaison. The Liaison will ask the candidates ranked 1 and 2 (etc.) if they are willing and able to serve, and if not, will ask the candidate next on the list until the committee has five members.

10. The HCAC, with its *ad hoc* members, will determine what information it needs in order to deliberate. The grievant/appellant, person(s) named in the grievance/appeal and administration must cooperate and provide the requested information or attend interviews and/or hearings. If the *ad hoc* committee chooses to conduct interviews or hearings including the grievant/appellant, persons named in the grievance/appeal or other individuals, each is entitled to be represented during such interviews. Such interviews or hearings will be held in private. The grievant/appellant and the person(s) named in the grievance/appeal must be offered the opportunity to directly address the committee in person.
11. Any other person about whom judgments are made by the HCAC must be given an opportunity to be interviewed by the HCAC before a final report is submitted.
12. The HCAC, with its *ad hoc* members, and the Liaison will discuss the advisability of assigning a staff member to the committee who is knowledgeable in legal matters and/or conduct of investigations. If the committee and the Liaison cannot agree, the Liaison will determine the need for staff assignment. Any such staff may attend meetings of the committee, but will have no voting privileges.
13. The committee will develop a final report. In matters of appointment, promotion and tenure, the HCAC is advisory to the President. For all other matters it is advisory to the Provost. All HCAC reports shall be sent to the Liaison who shall in turn send them to the President or the Provost.
14. The committee will take all reasonable steps to conclude its handling of the grievance/appeal in a timely manner.

Effective August 17, 2004

Revised by HCFRB and the HCAC on November 30, 2006.

Revised by the HCFRB and the HCAC on September 9, 2008.

Revised to reflect the Provost's Memo of June 2017 on
September 17, 2018