

NUMBER: 1707
TITLE: EVMS Faculty Grievance Policy
APPROVED: June 16, 2023
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I. Introduction and Policy

It is the policy of ODU that all EVMS Faculty be given an opportunity to grieve in accordance with this policy and the procedures outlined herein. Disputes are best resolved amicably and informally through effective communication, and it is required that any Grievant shall have attempted to resolve any dispute in good faith before invoking the grievance process set forth in this policy. Similarly, EVMS Faculty should understand that reviewing a formal grievance will involve a major investment of their colleagues' time and should use the grievance process only to resolve important issues and shall not file malicious or frivolous grievances or otherwise abuse the process. All references to "faculty" herein means EVadministrative officer or body acting in an official capacity.

Chair – the Chair of the Grievance Committee who is the Member-at-large of the EVMS Faculty Assembly Executive Committee.

Committee – the Grievance Committee

EVMS Faculty - Full-Time Faculty, Part-Time Faculty, or Community Faculty (as defined in the Policies and Procedures Relating to Faculty Appointment, Promotion and Tenure of EVMS Faculty), who provide clinical, research, or administrative services, whether paid or unpaid, in the EVMS School Of Medicine ("SOM") and/or EVMS School of Health Professions ("SHP").

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asks ODU to take a formal course of action.

Grievant – the EVMS Faculty member filing the Grievance.

Respondent – the administrative officer or body whose Action is the basis for the Grievance.

III. Grievable Matters and Exclusions

- A. Grievable Matters. A Grievable Matter is a matter that arises when an EVMS Faculty member has been directly and adversely professionally affected by an Action that deviated materially from the existing policies and procedures related to appointment, promotion, tenure and dismissal of EVMS Faculty, or those of ODU, the SOM or SHP, or was arbitrary, capricious, unreasonable, or contrary to the facts.
- B. Exclusions. Certain matters that are not EVMS Faculty or academic matters and/or where ODU has a legal duty to address an issue (e.g., matters of discrimination or sexual harassment) are not intended to be Grievable Matters. Specifically, the following are not Grievable Matters:
1. Discrimination, harassment, retaliation, hostile working environment, or workplace violence allegations;
 2. The amount or source of compensation including annual increases and co-terminus provisions;
 3. Allegations regarding students or student conduct;
 4. Any Grievance review or recommendation made by the Committee;
 5. Decisions by the ODU Institutional Review Board and the Institutional Animal Care and Use Committee;
 6. An act by ODU, pursuant to federal or state law, directive of the Board of Visitors, Board of Directors, or any governing body that regulates ODU, the SOM, or the SHP.
- C. Grievable Matter Determinations. Decisions about whether a matter is a Grievable Matter will be made by the Grievance Committee in accordance with Section VII below.

IV. Required Preliminary Steps by Grievant

- A. Exhaustion of Existing Procedures. A Grievant must first timely pursue and exhaust any existing administrative or academic procedures for review of the Action, including an appeal, priorJEMC ETd ()¶(I)-3

B. Informal Meeting with Chair. A Grievant may contact the Chair to schedule an informal

C. Attendance.

1. Grievance Committee. A majority of the Grievance Committee shall attend the hearing. The President of the EVMS Faculty Assembly may appoint alternates to serve in the place of Committee members that are unable to attend.
2. Advisors. The Grievant and Respondent may each invite an individual EVMS Faculty or staff member to serve in an advisory capacity at the Grievance hearing. Advisors can be present throughout the entire hearing to provide support and advice to their advisee and/or to observe the proceedings. Although a Grievant and Respondent may seek legal guidance at any time during the grievance process, attorneys may not act as advisors or otherwise represent the Grievant or Respondent at Grievance hearings. Advisors may not also be witnesses and no advisor may provide testimony, make statements or speak on behalf of their advisee, or otherwise participate in the hearing.
3. Witnesses. Witnesses must be physically present and shall be permitted to attend only that portion of the hearing to provide testimony or as requested or approved by the Chair. If a witness is unable to attend, the Grievant or Respondent may submit a written statement prepared and signed by the witness with prior approval of the Chair. The Chair may require that the written statement be notarized.
4. Other Attendees. The hearing will be closed to other attendees except that the Chair may request or permit other attendees to assist the Committee as necessary and the

2. The Grievant has the burden of proving that they have been directly and adversely professionally affected by the Action of the Respondent which deviated materially from the existing policies and procedures related to appointment, promotion, tenure or dismissal of EVMS Faculty, or policies and procedures of ODU, the SOM or SHP, or was arbitrary, capricious, unreasonable, or contrary to the facts and that such injury is remediable.
 3. The hearing will be audio recorded.
- E. Deliberations. After the conclusion of the hearing, the Grievance Committee shall meet to determine its findings, conclusions, and recommendation for dismissal or remedy of the Grievance.
- F. Information Requests. At any time before or after the hearing, the Chair or Committee may request additional information or clarification from the Grievant or Respondent and may request information or documentation from other areas with relevant information. The Committee may request assistance from the Office of Faculty Affairs and Professional Development.
- G. Post-Hearing Report. Within 30 days of the hearing, the Grievance Committee will prepare a written report to the Executive Vice President (the “EVP”) which shall contain the history of the Grievance, the findings of facts by the Grievance Committee, and the Committee’s recommendation for action, including remedies, with all documents received by the Committee attached. The Committee may request additional time to prepare the written report from the President when necessary.

X. Remedies

A Grievant may request, and the Grievance Committee may consider and recommend, any remedy appropriate for the Grievance that would reasonably resolve or correct the matter and that ODU or the SOM or SHP has the authority to provide, that is appropriate to the Grievance, and does not disregard existing policies and procedures related to appointment, promotion, tenure or dismissal of EVMS Faculty, or policies and procedures of ODU, the SOM or SHP. A remedy may include a proper reconsideration of the matter through the applicable procedures related to appointment, promotion, tenure or dismissal of EVMS Faculty, or procedures of ODU, the SOM or SHP. The Committee may decline to review a Grievance that requests a remedy that is not within ODU’s authority to provide, is clearly unreasonable or inappropriate, including enlisting resources outside of ODU, or that would disregard any ODU, SOM or SHP policy or procedure.

XI. Decision by the EVP

Upon receipt of the Committee's report and recommendations, the EVP, in their sole discretion, may decide to accept, alter, or reject the recommendation of the Committee. The recommendation of the Grievance Committee is not binding on the EVP. The EVP shall issue a written decision to the Grievant, with a copy to the Respondent, the Chair, and FAPD, within 30 days of receipt of the Grievance Committee’s recommendations.

Additional time may be provided at the discretion of the Grievance Committee. The decision of the EVP shall be final. The EVP shall cause the implementation of any remedy provided in their decision.

XII. Abuse of Process, Malicious Grievances, or Frivolous Grievances

A Grievant must proceed with a Grievance in good faith. If at any time the Grievance Committee determines that a Grievant has filed a malicious or frivolous grievance, has falsified information submitted in the Grievance, or is otherwise abusing the grievance process with repetitive and cumulative Grievances, the Grievance Committee may deny and reject the Grievance and the Grievant may be subject to disciplinary action.

XIII. Records and Time Extensions

A. Records. For Grievances that are rejected by the Grievance Committee or which are concluded through mediation cl (oc)4ad9 0 T/82 (a)4 (t)-2gsions