

UCI Academic Personnel Procedures

APP 4-15, Grievance and Appeal Procedures - Postdoctoral Scholars

Provides an overview of the grievance process for Postdoctoral Scholars, general provisions of the process, and step by step procedures for filing an informal or formal grievance.


NON-SENATE TITLES

I. Policy

This policy provides Postdoctoral Scholars the opportunity to present grievances. The use of this policy shall not be discouraged by the University by any means, either direct or indirect.

The campus procedures as set out in the Academic Personnel Procedures (APP) Section are intended to complement and supplement the University policy in the Academic Personnel Manual (APM) Section [APM 390-40](#), Postdoctoral Scholars-Grievances. This section, APP 4-15, must always be used with APM 390-40.

Highlights:

- [Informal Resolution](#)
- [Formal Grievance Review](#)
- [Formal Grievance Appeal](#)
- [Policy Reference](#)
-  print version

II. Scope and Definition

A grievance is a complaint filed by a Postdoctoral Scholar that alleges one or both of the following:

A. A specific act by the University was arbitrary or capricious and adversely affected the Postdoctoral Scholar's then-existing appointment or training program. For the purposes of this policy, an act is not arbitrary or capricious if the decision-maker exercised reasoned judgment.

B. A violation of applicable University rules, regulations, or policies occurred which adversely affected the Postdoctoral Scholar's then-existing appointment or training program.

C. A grievance alleging a violation of the Postdoctoral Scholar layoff policy ([APM 390-45](#)) or the Postdoctoral Scholar corrective action and dismissal policy ([APM 390-50](#)) shall be filed under APP 4-15, II B only.

III. Grievance Liaison

The Chancellor has designated the Office of Academic Personnel to be the grievance liaison for this policy. Normally, the Assistant Vice Chancellor for Academic Personnel will serve as the grievance liaison. The Associate Executive Vice Chancellor (Associate EVC) will normally be designated by the Executive Vice Chancellor to act on his behalf and render the final decision for a grievance appealed to Step III.

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IV. Mediation

This policy encourages voluntary resolution including mediation when it is desired by both parties. To arrange for mediation, please contact the office of the Ombudsman.

V. Step I - Informal Grievance Resolution

A. Step I of the grievance process is an attempt at informal resolution, which may include mediation. Postdoctoral Scholars are encouraged to discuss concerns and/or complaints with their mentors, other senior faculty members, department heads or the ombudsperson, and to attempt informal resolution at an early stage. Attempts at informal resolution do not extend the time limits for filing a formal grievance unless a written extension is granted by the grievance liaison.

B. A Postdoctoral Scholar may ask the grievance liaison to assist in resolving the grievance if informal resolution with the immediate supervisor or responsible administrator has been unsuccessful.

C. When a grievance alleges sexual harassment, the grievant may elect to substitute for Step I the informal resolution procedure "Procedures for Early Resolution, provided in the Guidelines for Sexual Complaint Resolution (Section [700-17, D.3](#)). If a Postdoctoral Scholar selects this mechanism and the complaint is not resolved to the grievant's satisfaction, he or she may file a Step II formal grievance in writing with the Grievance Liaison within fifteen (15) calendar days from the date a decision is issued or within forty-five (45) calendar days from the date the grievant filed the sexual harassment complaint, whichever is earlier.

VI. Step II - Formal Grievance Review

A. If a grievance is not resolved informally to the satisfaction of the grievant, the Postdoctoral Scholar may file a Step II formal grievance. A Step II grievance must be filed in writing with the grievance liaison within thirty (30) calendar days from the date on which the Postdoctoral Scholar 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, whichever is earlier. Except by written mutual agreement of the parties, no additional issues shall be introduced after the Step II grievance has been filed. A written extension may be granted by the grievance liaison.

B. The formal written grievance should be filed using AP Form [UCI-AP-390-E](#) and must include the following information:

1. Identify the specific administrative act or violation that is being grieved;
2. State either (i) the specific acts to be reviewed, the name of the person(s) alleged to have carried out the administrative act(s) and the date(s) the alleged act(s) occurred, and a description of how the act(s) were arbitrary or capricious;

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3. Or (ii) the University rules, regulations or policies that the grievant believes have been violated, the name of the person(s) alleged to have done the violation(s), the date(s) the alleged violations occurred, and a description of how the rules, regulations, or policies have been violated;

4. Specify how the Postdoctoral Scholar's then-existing appointment or training program was adversely affected;

5. Specify the remedy requested.

C. Upon receipt of the formal written grievance, the grievance liaison shall complete an initial review of the grievance and determine whether the grievance is complete, timely, within the jurisdiction of [APM 390-40](#) and contains sufficient facts which support the allegations made in the grievance.

Within ten (10) calendar days, the grievance liaison shall notify the Postdoctoral Scholar in writing of the acceptance of the grievance. If the grievance is not accepted, the reasons shall be specified as follows:

1. If the grievance liaison determines that the grievance is incomplete or factually insufficient, the grievant will have ten (10) calendar days from the date of the written notice to provide information to make the grievance complete. He/she may include additional facts. If the grievant fails to make the grievance complete or provide sufficient facts, the grievance will be dismissed.

2. If the grievance liaison determines the grievance is untimely or outside the jurisdiction of APM 390-40, the grievance will be dismissed.

3. If the Postdoctoral Scholar raises multiple issues, the grievance liaison will make a determination described above with regard to each issue. The grievance liaison may accept some issues and dismiss others pursuant to this review process.

4. If all or part of the grievance is dismissed at this stage, the grievance liaison will provide the grievant with written explanation of the basis for dismissal.

D. When a formal grievance is accepted, as part of the fact finding process, the grievance liaison shall forward the grievance and any supportive materials to the appropriate supervisor for comment and any supporting documentation s/he may wish to provide.

Once the supervisor's response is received by the grievance liaison, the grievance is forwarded to the Step II reviewer for review and written decision. The Step II reviewer and the grievant shall be notified of the date the Step II decision is due. Generally, the Step II reviewer will be the department or unit head. However, if the department or unit head took the action which is being grieved, the grievance liaison may exercise discretion and designate another individual as the Step II reviewer, and so notify the department or unit head of the grievant.

E. If a grievance raises allegations of discrimination, harassment or retaliation in

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violation with APM - 035, (web link?) the grievance liaison shall forward a copy of the grievance to the appropriate campus compliance office for review. The results of any related grievances or investigations shall be provided to the grievance liaison. At the discretion of the grievance liaison, information regarding related grievances or investigations may be forwarded to the Step II reviewer for consideration in making a decision.

F. The Step II reviewer shall review the grievance and, if appropriate, shall investigate and/or meet with the parties. Within thirty (30) calendar days from the date of receipt of the formal grievance, the Step II reviewer shall send a written response to the grievance liaison who will then transmit it to the grievant. The response will include a statement that the grievance is denied or upheld in whole or in part. If the grievance is denied in whole or in part, the response will state that the Postdoctoral Scholar has the right to appeal the decision to Step III of the grievance procedure; if the grievance is upheld, the response will describe the remedy, if any, being awarded.

VII. Step III - Formal Grievance Appeal

A. A formal grievance not resolved to the satisfaction of the Postdoctoral Scholar at Step II may be appealed for resolution in writing to Step III with the grievance liaison within fifteen (15) calendar days from the date on which the Step II response was issued.

B. The Step III appeal must set forth the unresolved issue(s) and the remedy requested. Except by written mutual agreement of the parties, no issues shall be introduced in the appeal that were not included in the original grievance.

C. All formal grievance appeals will be subject to the Step III administrative consideration (use Form [UCI-AP 140-F](#)). Within seven (7) calendar days from receipt of a formal grievance appeal, the grievance liaison shall forward the appeal, the Step II formal grievance and the Step II response to the Associate Executive Vice Chancellor for review and written decision.

1. In reviewing the grievance appeal, the Associate EVC may consult with the Graduate Council, other appropriate Academic Senate or administrative committees, or appropriate individuals.

2. Based on the record, the Associate EVC shall determine whether the Step II formal grievance was properly reviewed and whether the decision made at Step II shall be upheld, rejected or modified.

3. The Associate EVC shall provide a final written decision to the grievant within thirty (30) calendar days following receipt of the formal grievance appeal. The written decision shall include the reasons if the decision of Step II reviewer is rejected or modified in whole or in part and a statement that the decision is final.

VIII. General Provisions

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Representation

Grievants may represent themselves or be represented by another person at any stage of the process. The University shall be represented as the Associate Executive Vice Chancellor deems appropriate. The University may be provided with representation by the Office of the General Counsel.

Time Limits

Either party may request an extension prior to the expiration of a time limit.

If the grievant fails to meet a deadline, the grievance will be considered resolved on the basis of the last University response.

If the University fails to meet a deadline, the grievant may move the grievance to the next step in the process.

Time limits which expire on days which are not business days shall be automatically extended to the next University business day.

Pay Status

The Postdoctoral Scholar and the Postdoctoral Scholar's representative, if employed by the University, shall be granted leave with pay based on their regular pay status to attend hearings and meetings convened by the University to consider grievances under [APM 390-40](#).

Time spent by the grievant or the grievant's representative in investigation and preparation of a grievance shall not be on pay status.

Remedy

If the grievance is sustained in whole or in part, the remedy shall not exceed restoring to the Postdoctoral Scholar the pay, benefits, or rights lost either as a result of the violation of University rules, regulations, or policies, or as a result of an arbitrary or capricious action, less any income earned from any other employment.

Payment of attorney's fees shall not be part of the remedy.

Unless specifically authorized by the grievance liaison, compensation shall not be paid for any period that is a result of extension(s) of time requested on behalf of the Postdoctoral Scholar.

Consolidation of Grievances

The grievance liaison may decide whether grievances will be consolidated. The following may be consolidated in one review:

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Grievances of two or more Postdoctoral Scholars, where the grievances are related and consolidation is appropriate under the circumstances;

Two or more grievances filed by the same grievant which are based on the same incident, issues, or act;

Two or more grievances filed by the same grievant which are based on the same pattern of conduct.

References - University Policy

[APM 390](#), Postdoctoral Scholars Policy

[APM 190](#), Appendix A, Whistle Blowing Policy

UCI Procedures Manual [700-06](#)

UCI Policy & Procedures on Sexual Harassment and Complaint Resolution
([Section 700-17](#))

Forms:

The following forms, which may be used for filing an academic personnel grievance, are available for downloading. Hard copies of the forms are available in department offices or may be requested from Academic Personnel.

[UCI-AP 390-E](#), Request for Formal Review

[UCI-AP 390-F](#), Request for Appeal of Decision

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