

POLICIES: FAIRNESS REVIEW PROCESS

Policy Section: 1 Statement of Responsibility
Policy Number and Title: 1.0.2a Fairness Review Process
Effective Date: March 23, 2007

Introduction

Princeton University is committed to providing its staff members with an equitable and respectful work environment. On occasion, an employee may feel that a manager has taken an employment action against the employee in violation of University policy. When this circumstance occurs, the employee should seek resolution informally through the department management, including use of dispute resolution resources such as the Office of Human Resources and the Ombuds Office. If the management action is one of those listed below, and informal discussions do not resolve the dispute, it is the University's policy to provide a fair, timely, and efficient formal review which will settle the matter. The review is the Fairness Review Process.

Effective Date

The Fairness Review Process is effective October 15, 2003.

Eligibility

All benefits eligible non-union administrative and support staff served by the University's Office of Human Resources are eligible except as provided below.

Ineligible to invoke this policy are casual hourly staff, probationary bi-weekly staff and executive officers. (Note: the following groups have separate grievance processes and therefore are ineligible to invoke this policy: union members, PPPL employees and the dean of the faculty staff)

If you have questions about these grievance policies, please consult with the appropriate Office of Human Resources or the Office of Dean of the Faculty.

Scope Of Fairness Review Policy Complaints

Actions Covered	Employment actions covered by this policy include: <ul style="list-style-type: none">▪ Formal written warnings▪ Unpaid suspensions▪ Termination for poor performance▪ Termination for failure to comply with University Policy (Misconduct/Cause). Layoffs, as they pertain only to the selection process.
Actions Not Covered	Employment actions not covered by this policy include: <ul style="list-style-type: none">▪ Verbal warnings, informal feedback, memos of concern and performance appraisals▪ Layoffs, as they pertain to business justification

	<ul style="list-style-type: none"> ▪ Other employee complaints, such as those related to changes in conditions of employment. (Such complaints should be directed to the Office of Human Resources.) ▪ Complaints regarding compensation and benefits. (Such complaints should be directed to the Office of Human Resources.) ▪ Complaints involving harassment or discrimination based on a protected classification. (Such complaints, which addressed by other University policies, should be directed to the offices of Human Resources, Dean of the Faculty, or Provost.)
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No Retaliation	<p>It is the University’s policy that no employee may be retaliated against for initiating, participating or aiding in a grievance proceeding.</p> <p>Confidentiality and respect for privacy is imperative to the success of this process.</p>
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Process

Steps	Action	Timeline
Internal Department Step	The staff member attempts to resolve the complaint through the department management chain.	Two (2) weeks from the time of the discipline or action.
Human Resources Step	The staff member meets with the Employee Relations Director in Human Resources or their designee to consider options to resolve the issue.	Two (2) weeks from the time of the discipline or action.
Fairness Review Steps	1.If the previous steps have not resolved the issue, Human Resources advises the complainant of the Fairness Review Process. If the complainant is eligible and decides to pursue further recourse he/she is advised to meet with the Fairness Review Administrator who will discuss the necessary steps to begin the process.	Two (2) weeks from the last meeting with the Human Resources representative.
	2. Complainant completes a two-page form and returns it to the Fairness Review Administrator.	Within three (3) workdays from the meeting with the Fairness Review Administrator.
	3. The Fairness Review Administrator forwards the completed complainant form and any documents to the respondent; the respondent in turn completes a two (2) page response. ⁱ The Fairness Review Administrator forwards the respondent statement and documents to the complainant.	Within three (3) workdays from the time the respondent receives the completed form from the Fairness Review Administrator.

	<p>4. The Fairness Review Administrator sets up the three-member fairness review panel and forwards all documentation to the panel chair. A decision by a fairness review panel will be determinative.</p>	<p>If a determination can be made by document review, the panel has ten (10) workdays to make a determination and an additional five (5) days to submit the report.</p> <p>If the determination cannot be made solely by document review and the panel needs more information or needs to schedule interviews they will have an additional five (5) days to make the determination.</p>
	<p>5. The fairness review administrator notifies the complainant and the respondent of the outcome and distributes a summary of their decision.</p> <p>6. The fairness review administrator submits a copy of the report to the executive vice president and the vice president of Human Resources.</p>	<p>Two days from the time the panel chair submits the report to the fairness review administrator. The panel chair will also develop an executive summary for the vice president of Human Resources.</p>
	<p>7. The fairness review administrator organizes all documentation and files the material.</p>	<p>Two days from the time the report is submitted from the panel chair.</p>

Process

Roles And Responsibilities

Role	Responsibilities
Fairness Review Administrator	<ol style="list-style-type: none"> 1. Notifies the parties of the names of the panelists and the dates, times and location of the hearing. 2. Notifies witnesses if any are to be called. 3. Attends the hearing, functioning as the secretary and advisor to the panel; takes the minutes of the proceeding.
Panel Chair	<ol style="list-style-type: none"> 1. Determines if a hearing is warranted. 2. Presides over all aspects of the Hearing; conducts an orderly session. 3. Coordinates activity of panel in determining which documents will be made part of the record. 4. Coordinates activity of panel in determining relevance of material provided. 5. Rules on procedural questions. 6. Rules on appropriateness of questions.

	<ol style="list-style-type: none"> 7. Coordinates activity of panel in determining which testimony or other evidence will be considered by the Panel. 8. Reads the Confidentiality Statement at the beginning of the hearing and before each witness is questioned. 9. Determines the order in which the witnesses will appear. 10. Presides over panel's deliberation and may draft the decision.
Panel Members	<ol style="list-style-type: none"> 1. In conjunction with the chair, determines which documents will be considered and made part of the record. 2. May question either party at any time. 3. In conjunction with the chair, determines which witnesses will be called.
Complainant	<ol style="list-style-type: none"> 1. Meets with the fairness review administrator to review the hearing procedure. 2. Notifies the fairness review administrator the names of his/her advisors as soon as they have been selected but no later than three (3) working days prior to the date of the hearing. 3. Explains his/her position and any special circumstances to the panel at the hearing. 4. May address questions to the parties
Respondent	<ol style="list-style-type: none"> 1. Meets with the fairness review administrator to review the hearing procedure. 2. Notifies the fairness review administrator the names of their advisors as soon as they have been selected but no later than three (3) working days prior to the date of the hearing. 3. Responds to the complainant making their statement on the case. 4. May address questions to the parties
Advisors	<ol style="list-style-type: none"> 1. Assist their party with the process and attends the hearing. 2. Helps prepare documents 3. At the Hearing, listens and take notes. 4. Makes suggestions to the individual he or she is advising. 5. May speak and ask questions at the chair's discretion.
Witnesses	<ol style="list-style-type: none"> 1. Attend the hearing as requested. 2. Only present when making their statement or answering questions; they do not remain for the entire hearing. 3. Answer questions from the panel members.

Suggested Agenda For The Hearing Procedure

- Introduction of panel members.

- Introduction of all parties present
- Reading of the Statement of Confidentiality.
- Identification and discussion of relevant documents submitted.
- Discussion of relevance of any additional documents being submitted.
- Complainant explains his/her position (generally the complainant speaks first).
- Respondent provides the response.
- Panel takes this opportunity to ask questions of either party.
- If requested by the chair, witnesses are called and questioned.
- Each party is given the opportunity to ask questions determined to be relevant by the chair.
- Each party summarizes their position making concluding remarks.

The chair may summarize the remarks on behalf of the panel and closes the hearing reminding everyone once again of the confidentiality statement that was read at the beginning of the proceeding.

Panel Deliberations And Decisions

The Panel shall meet privately to make its decision. The fairness review administrator will attend these meeting to continue in the role as resource to the panel. The panel, including the chair, shall attempt to reach a unanimous decision regarding the dispute. If that is not possible, the matter will be decided by majority vote. The panel may decide, based upon testimony and evidence presented, that the management decision it has been asked to review should be upheld, overturned, or modified based on mitigating circumstances.

The Panel's Report

Preparation	<p>The Panel shall prepare a written report on the resolution of each dispute follow the hearing. This report shall include:</p> <ul style="list-style-type: none"> ▪ a brief chronology of the proceedings from the receipt of the complaint through final disposition, ▪ a statement of the facts relied upon in reaching a decision, and the rationale for the decision, ▪ a description of the manner in which the dispute is to be resolved, and ▪ any remarks on procedural questions or other matters raised during the hearing.
Submission	<p>The Panel's report will be submitted to the parties, to the executive vice president and to the vice president for Human Resources who will assure appropriate implementation.</p> <p>The panel may also submit a separate report to the vice president for Human Resources regarding any procedural issues or broad policy implications raised during the dispute.</p>
Final Review	<p>The judgment of the panel is normally determinative. However, if either party believes that there has been a material procedural error in the course of the</p>

hearing, a request for a review of the circumstances pertaining to that error and its impact upon the panel's decision may be submitted to the executive vice president. The executive vice president's decision will be final and shall conclude the University's review of the dispute.

Definitions

Role	Responsibilities
Fairness Review Administrator	<ul style="list-style-type: none"> ▪ The fairness review administrator is appointed by the vice president for Human Resources ▪ Serves as an informed resource on the process to the complainant and respondent as well as for the advisors. ▪ Refers the matter to the panel chairs for action and forwards completed forms to the parties. ▪ Sets up the panel for the appeal in question. ▪ Sits with the panel during the hearing and deliberations functions as the secretary to the panel, attends all meetings, takes minutes. ▪ Acts as a University resource on policy, practices and the fairness review process; not a voting member of the panel; does not participate in decision-making. ▪ Has oversight of the day-to-day administration of the process. ▪ Grants requests for exceptions to the timeline. ▪ Notifies participants of the decisions and disseminates reports.
Panel Chair	<ul style="list-style-type: none"> ▪ Determines if subject of the complaint is appropriate for the process ▪ Determines how the complaint will be resolved. ▪ Presides over and manages all aspects of the process. ▪ Prepares the panel's report and the executive summary for the vice president of Human Resources
Panel members	<ul style="list-style-type: none"> ▪ Selected by peers to serve a four-year term. ▪ May seek re-election- no term limits. ▪ Recuse themselves if a conflict with the appeal exists. ▪ Participates in the discussion of the appeal and provides input to the chair. ▪ Reviews materials submitted to the panel for consideration.
Panel	<ul style="list-style-type: none"> ▪ Three-member group who review the appeal to determine whether decisions and/or actions affecting employees are consistent with University policies. ▪ Determines whether the appeal is to be decided by document review or by using a more extensive process involving interviews and presentations.
Complainant	<ul style="list-style-type: none"> ▪ Meets with the fairness review administrator to review the process. ▪ Completes and submits the complainant form for panel review to the

		fairness review administrator.
		<ul style="list-style-type: none"> ▪ Adheres to the policy and procedural guidelines of the process.
Respondent		<ul style="list-style-type: none"> ▪ Meets with the fairness review administrator to review the process. ▪ Completes and submits the respondent form for panel review to the fairness review administrator. ▪ Adheres to the policy and procedural guidelines of the process.
Advisors for the Complainant and Respondent		<ul style="list-style-type: none"> ▪ Selected from a list of trained advisors ▪ Provides support and advice ▪ Helps prepare written material ▪ Takes notes during proceedings ▪ At the chair's discretion may speak on behalf of the person being assisted.
Fairness Review Advisory Committee		<ul style="list-style-type: none"> ▪ Provides general oversight regarding the design and format of the Process. ▪ Appointed by the executive vice president; chaired by the vice president of Human Resources. ▪ Members include: director of employee relations, university counsel, a current or former panel member; the fairness review administrator sits with the committee but is not a member. ▪ Serves as a resource to the fairness review administrator.
Vice President of Human Resources		<ul style="list-style-type: none"> ▪ Assists with the implementation of the decision reached by the panel. ▪ Reviews the reports generated by the Fairness Review Panels. ▪ As appropriate may share the report with the executive vice president, the dean of the faculty or academic chair, and/or the staff member's unit head.
Executive President	Vice	Where the party believes a material procedural error was made the Executive Vice President may review the circumstances that pertain to that error and its impact on the panel's decision. The executive vice president may modify the manner in which the panel resolved the dispute but not increase the discipline or penalties that may have resulted in the complaint being filed in the first instance.

ⁱ The purpose of a hearing is to provide the Panel with an opportunity to ascertain disputed or uncertain material facts relating to the positions taken by the complainant and/or the respondent in their written submissions, and determine any mitigating or aggravating circumstances which should be taken into account in the resolution of the dispute. Hearings are confidential and only the parties, their advisors, members of the Panel and the Fairness Review Administrator may be present during the entire hearing.