

POLICY: Fairness Review Process

Policy Section: 1 Statement of Responsibility
Policy Number and Title: 1.0.2a Fairness Review Process
Applicable to: All Office of Human Resources Nonunion Employees
Effective Date: May 16, 2011 (previously revised March 23, 2007)

Policy Description

Princeton University is committed to providing its staff members with an equitable and respectful work environment. The University recognizes that managers have varying responsibilities and management styles and are afforded latitude in taking an employment action with respect to employees under their supervision. Yet, on occasion, an employee may feel that a manager has taken a serious employment action against the employee that is unfair and/or inconsistent with applicable University policies and practices. When this circumstance occurs, the employee should seek resolution informally through the departmental 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, this policy provides a fair and timely formal review of the employment action in question through the Fairness Review Process. It provides a peer review of specific types of disciplinary actions, as described below.

Eligibility

Eligible Staff	All benefits-eligible nonunion administrative and support staff served by the University's Office of Human Resources are eligible except as provided below.
Ineligible Staff	<p>Staff ineligible to utilize this policy are:</p> <ul style="list-style-type: none">• Casual hourly employees;• Biweekly-paid probationary employees;• Cabinet officers of the University as identified by the University's bylaws and their direct reports who may submit their grievances to the vice president for human resources; and• Union members, PPPL employees, and employees appointed by the Office of the Dean of the Faculty <p>These employees have separate grievance policies and processes:</p> <ul style="list-style-type: none">• Employees appointed by the Office of the Dean of the Faculty should consult the Rules and Procedures of the Faculty of Princeton University available at www.princeton.edu/dof/policies/publ/fac/rules_toc/chaper2.• Employees of the University library should consult Grievance Procedures for the Professional Staffs (Librarians, Researchers, and Specialists) at www.princeton.edu/dof/policies/publ/libr/grievance.• Employees of the Princeton Plasma Physics Laboratory should contact Susan E. Murphy-LaMarche, director of human resources, Princeton Plasma Physics Laboratory, at (609) 243-2227.• Employees represented by a Union should consult their most recent union contract, available at www.princeton.edu/hr/progserv/lr/unions/.

Eligible Complaints	<p>Employment actions covered by this policy include:</p> <ul style="list-style-type: none"> • unpaid suspension • termination for poor performance • termination for failure to comply with University policy (misconduct or cause)
Complaints Not Eligible	<p>All other employment actions are not covered by this policy, including but not limited to:</p> <ul style="list-style-type: none"> • verbal warning, memo of concern, performance appraisal, informal discipline or coaching, written warning, and demotion; • termination for reasons other than poor performance or failure to comply with University policy, e.g., termination of an employee on term appointment upon the expiration of the term, resignation, layoff, etc.; and • employment actions regarding compensation and benefits (refer to policy 1.0.2). <p>Questions or concerns relating to areas not covered by this policy should be directed to the Office of Human Resources.</p>

Application of This Policy

Internal Department Step	<p>Staff members should attempt to resolve the complaint through the department's management chain within one week from the time of the discipline or action. All references to days are Monday through Friday and exclude recognized University holidays.</p>
HR Step	<p>Staff members are encouraged to meet with their senior Human Resources manager in the Office of Human Resources or designee to consider options to resolve the issue within two weeks from the time of the discipline or action.</p>
Fairness Review Steps	<p>If the previous steps have not resolved the issue, the senior Human Resources manager or designee determines if the employee, i.e., the "complainant," is eligible for the Fairness Review Process and, if so, explains it to the individual.</p> <p>If the complainant decides to pursue further recourse, the senior Human Resources manager or designee advises the complainant to meet with the fairness review administrator to discuss the steps required to begin the process.</p> <p>The complainant seeking fairness review must initiate the Fairness Review Process by written notice to the fairness review administrator within 30 days of receiving the eligible disciplinary action. Under the process, the complainant's manager is the "respondent."</p>
Employee Status During Fairness Review Process	<p>The employment action being challenged will remain in effect unless/until modified by the Fairness Review Panel.</p>
Related Cases	<p>The Fairness Review Panel will hear cases in a manner that is deemed fair to all parties involved, this includes consideration of whether or not related cases should be heard together (combined).</p>

Fairness Review Panel

Purpose and Role

The purpose of the Fairness Review Process is to provide the complainant and the respondent with the opportunity to present written information to a panel that assesses disputed or uncertain material facts submitted and determine if there are any mitigating or aggravating circumstances that should be taken into account to resolve the dispute.

All panel meetings are confidential whether the case results in a document review or a formal hearing. Only members of the panel and the fairness review administrator attend said meetings. If there is a formal hearing, only the parties, their advisors, and members of the panel and the fairness review administrator may be present during the entire hearing.

Panel Deliberations and Decisions

The Fairness Review Panel will meet privately to deliberate and make its decision. The fairness review administrator will attend these meetings as a resource to the panel but not as a voting member.

The panel will decide the matter by majority vote. The panel may or may not decide that the employment action taken against the employee is unfair and/or inconsistent with applicable University policies and practices. The panel may:

1. uphold the employment action;
 2. overturn the employment action;
 3. request that the Office of Human Resources modify the employment action; or
 4. request that the Office of Human Resources conduct further fact-finding research and defer judgment until such fact-finding has been completed.
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Panel's Report

Preparation	The panel will prepare a written report on the resolution of each dispute, which will include: <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 used 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 or procedural questions raised during the hearing.
Submission	The panel will submit a preliminary report to the vice president for human resources to address issues related to the implementation of the Panel's decision. Under normal circumstances, the vice president for human resources will respond (as appropriate) to the panel within five days. Within five days of receiving feedback from the vice president for human resources, the panel will finalize its report and prepare a brief summary of its decision. The fairness review administrator will distribute the final report and relevant documents to the vice president for human resources and other vested parties. The panel may also submit a separate report to the vice president for human resources addressing any procedural issues or broad policy implications beyond the scope of its review and decision.

In cases where a management decision is being modified or overturned, the Office of Human Resources will be responsible for implementing the panel's decision. Complaints relating to the implementation of the panel's decision are not eligible for the Fairness Review Process and will be addressed by the Office of Human Resources.

Final Review

If either party believes that the Fairness Review Panel made a material procedural error in the course of the hearing or document review, that party may request a review of the panel's decision in that regard to be conducted by the University's executive vice president. A material procedural error is defined by this policy as one that had a bearing on the decision reached by the panel. General unhappiness with the outcome shall not constitute grounds for an appeal on material procedural grounds.

If seeking a final review of the panel's decision, the party should submit a written request to the executive vice president within five days following the decision of the panel, detailing the reasons why the panel's decision should be reviewed and identifying the remedy sought.

When conducting the final review, the executive vice president may choose to meet with the chair and/or other members of the panel or one or more of the vested parties. 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 initial complaint being filed in the first instance.

Under normal circumstances, the decision of the executive vice president will be delivered within five days and will be final. No other appeals are available.

No Retaliation

It is the University's policy that no employee may be retaliated against for initiating, participating or aiding in a fairness review proceeding. Any University employee who believes they have been subject to retaliation should contact the office of Human Resources.

Confidentiality

Maintaining confidentiality and respect for privacy is imperative to the success of this process.

Contacts

Office of Human Resources	Senior Human Resources Managers (609) 258-3300 www.princeton.edu/hr/progserv/er/deptcontact
Fairness Review Administrator	Susan Murphy LaMarche: (609) 243-2224

Related Documents

Termination and Disciplinary Policies	5.1.4 Disciplinary Procedure 5.1.1 Standards of Personal Conduct 4.2.2 Termination for Poor Performance 4.2.3 Termination for Failure to Comply with University Policy (Misconduct/Cause)
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**Other Grievance
Information**

- 1.0.2 University Grievance Procedures
 - Classification/Compensation Grievance Process
 - Grievance Process Involving the Application or Interpretation of a Benefit Plan
 - Anti-Harassment Policy and Grievance Procedures
- 1.0.1 Equal Opportunity Policy
- 1.0.4 Adherence to University Policy

Previously revised March 23, 2007