

SHRA Grievance and Appeal

Policy 601.6

NOTE: For purposes of all Appalachian State University policies, references to SPA (subject to the State Personnel Act [former terminology]) shall be interchangeable with SHRA (subject to the State Human Resources Act [current terminology]); and references to EPA (exempt from the State Personnel Act [former terminology]) shall be interchangeable with EHRA (exempt from the State Human Resources Act [current terminology]).

1 Introduction

1.1 Appalachian State University (ASU) has established this grievance and appeal process in order to comply with the University of North Carolina System SHRA Employee Grievance Policy, as it may be amended from time to time. The purpose of this policy is to allow for prompt, fair, and orderly resolution of disputes arising out of employment, consistent with goals approved by the State Human Resources Commission.

1.2 This policy will be posted in the ASU Policy Manual and will be available in hard copy and electronically from the Office of Human Resources. New SHRA employees will be informed of these grievance and appeal procedures during the new employee orientation session. In the event there is a change to these procedures, SHRA employees will be notified no later than 30 days prior to the effective date of the change.

2 Scope

2.1 This process applies to former employees and employees in positions that are subject to N.C. Gen. Stat. § 126-1 et seq. (the State Human Rights Act). This process also applies to applicants for positions that are subject to the State Human Rights Act. A covered person's rights to file a grievance under this process will depend upon the person's status (e.g., former employee, applicant, career State employee, probationary State employee) and whether the person has presented a grievable issue under the process.

3 Definitions

3.1 The definitions set forth in [- The University of North Carolina System SHRA Employee Grievance Policy](#) are incorporated in their entirety. The term "University" as incorporated in this policy shall refer to Appalachian State University.

4 Policy and Procedure Statements

4.1 Appalachian State University adopts as its policy [The University of North Carolina System SHRA Employee Grievance Policy](#), as it may be amended from time to time. That policy is incorporated here in its entirety.

5 Additional References

[Policy 108 Equal Opportunity](#)
[Policy 110 Discrimination, Harassment, Retaliation, and Sex-Based Misconduct](#)
[SHRA Employee Grievance Form](#)

6 Authority

1. Age Discrimination in Employment Act (29 U.S.C. § 621, et seq.)
2. Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101, et seq.)
3. Title II, Civil Rights Act of 1964, as amended (42 U.S.C. 2000a, et seq.)
4. Title VI, Civil Rights Act of 1964, as amended (42 U.S.C. 2000d, et seq.)
5. Title VII, Civil Rights Act of 1964, as amended (42 U.S.C. 2000e, et seq.)
6. Fair Labor Standard Act (29 U.S.C. 201, et seq.)
7. Family Medical Leave Act (29 U.S.C. 2601, et seq.)
8. Persons With Disabilities Protection Act (N.C.G.S. §168A-1, et seq.)
9. Rehabilitation Act of 1973, as amended (29 U.S.C. 701 et seq.)
10. Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301, et seq.)

11. Title II, Genetic Information Nondiscrimination Act of 2008 (PL 110-233)
12. Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212 et seq.)
13. N.C.G.S. § 95-241 (Discrimination and retaliation prohibited)
14. N.C.G.S. §126-1.1 (Career state employee defined)
15. N.C.G.S. §126-5 (Employees subject to State Personnel Act; exemptions)
16. N.C.G.S. §126-7.1 (Posting requirement; State employees receive priority consideration; reduction-in-force rights; Work First hiring)
17. N.C.G.S. §126-14 (Promise or threat to obtain political contribution or support)
18. N.C.G.S. §126-14.1 (Threat to obtain political contribution or support)
19. N.C.G.S. §126-14.2 (Political hirings limited)
20. N.C.G.S. §126-16 (Equal opportunity for employment and compensation by State departments and agencies and local political subdivisions)
21. N.C.G.S. §126-17 (Retaliation by State departments and agencies and local political subdivisions)
22. N.C.G.S. §126-34 (Grievance appeal for career State employees)
23. N.C.G.S. §126-34.1 (Grounds for contested case under the State Personnel Act defined)
24. N.C.G.S. §126-36 (Appeal of unlawful State employment practice)
25. N.C.G.S. §126-38 (Time limit for appeals)
26. N.C.G.S. §126-82 (Veterans preference)
27. N.C.G.S. §126-85 (Time limit for appeals)
28. N.C.G.S. §168A-3 (Definitions in the North Carolina Persons With Disabilities Protection Act)
29. N.C.G.S. §168A-5 (Discrimination in employment; exemptions)
30. N.C.G.S. §168A-10 (Retaliation prohibited)
31. 25 NCAC 01J .0600 (Disciplinary Action; Suspension and Dismissal)
32. 25 NCAC 01J .1100 (Unlawful Workplace Harassment)
33. 25 NCAC 01J .1200 (Employee Grievances)
34. 25 NCAC 01J .1300 (Employee Appeals and Grievance Process)

7 Contact Information

Office of Human Resources, 828.262.6769

8 Original Effective Date

November 22, 2011

9 Revision Dates

October 17, 2014

August 29, 2016

November 20, 2017