

DOCKET

BOARD OF VISITORS

University of Virginia

Regular Meeting

February 6, 2009

**DOCKET
BOARD OF VISITORS
FEBRUARY 6, 2009**

CONSENT ITEMS

1. APPROVAL OF THE 2007-2008 WTJU ANNUAL REPORT
(approved by the External Affairs Committee on February 6, 2009)

RESOLVED, WTJU's 2007-2008 Annual Report is approved, as recommended by the President and the Senior Vice President for Development and Public Affairs.

ACTION ITEMS

2. APPROVAL OF PROJECT BUDGET INCREASE, MOSER RADIATION THERAPY CENTER ADDITION
(approved by the Buildings and Grounds Committee on December 11, 2008, and by the Finance Committee on February 5, 2009)

RESOLVED, the addition of 625 gross square feet to the current 3,000 gross square feet project scope and the budget increase of \$500,000, bringing the total budget for the Moser Radiation Therapy Center Addition to \$3,007,000, is approved.

3. APPROVAL OF 2009-2010 TUITION AND FEES FOR CERTAIN PROGRAMS
(approved by the Finance Committee on February 5, 2009)

RESOLVED, the Board of Visitors approves the tuition and fees applicable to the following programs as shown below, effective May 1, 2009, unless otherwise noted:

	Virginian			Non-Virginian			2009-10 Proposed	
	2008-09 Approved	Amount of Increase	Percent of Increase	2009-10 Proposed	2008-09 Approved	Amount of Increase		Percent of Increase
MBA for Executives	\$102,000	\$7,000	6.9%	\$109,000	\$102,000	\$7,000	6.9%	\$109,000

The price is all inclusive for the 22 months of the full program and includes estimated 2009-2010 and 2010-2011 special session mandatory fee, books, materials, computer leasing, software licenses, group meals, and lodging.

MIT	\$34,900	\$2,100	6.0%	\$37,000	\$39,900	\$2,100	5.3%	\$42,000
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The price includes the estimated 2009-2010 special session mandatory fee, books, materials, software licenses, group meals, and lodging.

MIT Opt. Ind. Study	n/a	n/a	n/a	\$1,250/ cr. Hr	n/a	n/a	n/a	\$1,400/ cr. hr
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Systems Eng.	\$33,000	\$1,000	3.0%	\$34,000	\$38,000	\$1,000	2.6%	\$39,000
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The price includes the estimated 2009-2010 special session mandatory fee, books, materials, technology, group meals, and lodging.

Post-Bac, Pre-Med	\$20,250	\$3,250	16.0%	\$23,500	\$25,500	\$3,000	11.8%	\$28,500
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The price includes the estimated 2009-2010 full-time mandatory fee.

SOM 2009 Summer Session	n/a	n/a	n/a	\$13,911	n/a	n/a	n/a	\$18,214
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The price includes the Summer 2009 special session mandatory fee.

4. APPROVAL OF FINANCIAL PLANS FOR NEW CAPITAL PROJECTS PROPOSED FOR ADDITION TO THE MAJOR CAPITAL PROJECTS PROGRAM, TO COMMENCE BY FISCAL YEAR 2012
(approved by the Finance Committee on February 5, 2009)

WHEREAS, the new projects to be added to the Major Capital Projects Program in the Near Term, Growth Scenario are ambitious and may not be realized on the schedule proposed in light of the current economic climate; and

WHEREAS, the Executive Vice President and Chief Operating Officer will confirm that appropriate funding is in place before any project commences construction;

RESOLVED, the financial plans for the new capital outlay projects expected to begin by 2012 in the Major Capital Projects Program are complete, and therefore are approved.

5. APPROVAL OF INTENT TO ISSUE TAX-EXEMPT DEBT
(approved by the Finance Committee on February 5, 2009)

WHEREAS, the University intends to undertake the following capital projects utilizing tax-exempt debt as a funding source:

ACADEMIC DIVISION

North Grounds to Old Ivy Road Duct Bank
Alderman and Clemons Library Chillers Replacement
North Chiller Plant Chillers Replacement
North Grounds Boiler and Chiller Plant Replacement
Alderman Road - Phase 2/Building 2
Alderman Road - Phase 3/Buildings 3 and 4
Law School Slaughter Hall Renovation
Law School Repair and Renovation Program
Newcomb Hall Repair and Renovation

MEDICAL CENTER

W. Main St. Development, including Children's Hospital
North Ridge Development Project

WHEREAS, the United States Department of the Treasury has promulgated final regulations in Section 1.150-2 of the Treasury Regulations governing when the allocation of bond proceeds to reimburse expenditures previously made by a borrower shall be treated as an expenditure of the bond proceeds; and

WHEREAS, the Regulations require a declaration of official intent by a borrower to provide evidence that the borrower intended to reimburse such expenditures with proceeds of its debt; and

WHEREAS, the Board of Visitors of the University of Virginia desires to make such a declaration of official intent as required by the Regulations; and

WHEREAS, the University may be required to provide short-term financing to each project prior to issuing long-term debt in order to implement an efficient and timely construction schedule; and

WHEREAS, the University has funding mechanisms to accommodate short-term financing needs, defined as a period of less than sixty months; and

WHEREAS, the authority for the University to enter into financing arrangements exceeding sixty months in maturity for each project listed is not included in this resolution; and

WHEREAS, if the University provides debt financing for a particular project, the appropriate school or unit remains responsible for repaying the incurred debt, even if the project is not ultimately completed;

RESOLVED that, pursuant to the terms of the Treasury Regulations, the Board of Visitors of the University of Virginia declares its intent to reimburse expenditures in accordance with the following:

1. The University reasonably expects to reimburse expenditures incurred for each project from the issuance of tax-exempt debt to be issued by the University incurred for each project;

2. This resolution is a declaration of official intent under Section 1.150-2 of the Regulations;

3. The maximum principal amount of debt expected to be issued for the purpose of reimbursing expenditures relating to each project is as follows:

ACADEMIC DIVISION

North Grounds to Old Ivy Road Duct Bank = \$4,600,000
Alderman and Clemons Library Chillers Replacement = \$5,824,000
North Chiller Plant Chillers Replacement = \$28,670,000
North Grounds Boiler and Chiller Plant Replacement = \$6,776,000
Alderman Road - Phase 2/Building 2 = \$27,574,545
Alderman Road - Phase 3/Buildings 3 and 4 = \$63,627,592
Law School Slaughter Hall Renovation = \$8,000,000
Law School Repair and Renovation Program = \$20,000,000
Newcomb Hall Repair and Renovation = \$13,700,000

MEDICAL CENTER

W. Main St. Development, including Children's Hospital =
\$99,000,000
North Ridge Development Project = \$3,230,000; and,

RESOLVED FURTHER, each project is a separate enterprise independent of other projects, and that the authorization for funding relates to each individual project; and

RESOLVED FURTHER, funds may be borrowed for each project on a short-term basis, but only if the following conditions are met:

1. The Board of Visitors approves the current resolution;
2. A comprehensive and detailed financial plan for the school/unit project is submitted to and approved by senior management;
3. Short-term financing shall not exceed sixty months in maturity; and
4. The school or unit remains responsible for repaying any debt obligation incurred regardless of the status of the capital project.

6. APPROVAL OF SIGNATORY AUTHORITY FOR MEDICAL CENTER
PROCUREMENT OF SPINAL IMPLANTS AND RELATED PRODUCTS
AND SERVICES

(approved by the Finance Committee on February 5, 2009)

WHEREAS, at its December 4, 2008, meeting, the Medical Center Operating Board approved the delegation of authority to the Executive Vice President and Chief Operating Officer of the University to execute a contract for spinal implants and related products and services;

RESOLVED, the Board of Visitors authorizes the Executive Vice President and Chief Operating Officer of the University to execute a contract for spinal implants and related products and services, based upon the recommendation of the Vice President and Chief Executive Officer of the Medical Center in accordance with Medical Center procurement policy.

7. APPROVAL OF SIGNATORY AUTHORITY FOR MEDICAL CENTER
PROCUREMENT OF HEALTH CARE INFORMATION MANAGEMENT
SYSTEM (ELECTRONIC MEDICAL RECORD)

(approved by the Medical Center Operating Board and the Finance Committee on February 5, 2009)

WHEREAS, the Medical Center Operating Board finds it to be in the best interest of the University of Virginia and its Medical Center for the Medical Center to acquire a health care information management system that will include an electronic medical record for all inpatient and outpatient clinical care provided by the Medical Center;

RESOLVED, the Board of Visitors authorizes the Executive Vice President and Chief Operating Officer of the University, with the concurrence of the Chairs of the Medical Center Operating Board and the Finance Committee, to execute one or more contracts for the procurement of a health care information management system that will include an electronic medical record, along with the associated implementation and integration services, for the University of Virginia Medical Center, based on the recommendation of the Vice President and Chief Executive Officer of the Medical Center and in accordance with Medical Center procurement policy.

8. APPROVAL OF THE GRIEVANCE PROCEDURE FOR ADMINISTRATIVE AND PROFESSIONAL FACULTY AT THE UNIVERSITY OF VIRGINIA'S COLLEGE AT WISE
 (approved by the Committee on The University of Virginia's College at Wise on February 5, 2009)

RESOLVED, the Board of Visitors approves the Grievance Procedure for Administrative and Professional General Faculty at The University of Virginia's College at Wise and authorizes the College's administration to make modifications with prior review of the General Counsel for legal sufficiency. The Grievance Procedure is shown as an attachment to this document.

9. REPORT ON ACTIONS OF THE EXECUTIVE COMMITTEE

The Rector will report on the following actions taken by the Executive Committee on October 18, and December 11, 2008, and February 4, 2009:

- REPLACEMENT RESOLUTION ON PHASE ONE OF COMMISSION RECOMMENDATION FUNDING ALLOCATION
 (approved by the Executive Committee on October 18, 2008)

WHEREAS, the President's Commission on the Future of the University presented the Board of Visitors with the first phase of plans for the future of the University;

RESOLVED, the Board of Visitors accepts the initial plans of the President's Commission on the Future of the University and will allocate the one-time funds requested to support these initiatives in the following amounts:

<u>Initiative</u>	<u>2008-2009</u>	<u>2009-2010</u>	<u>2010-2011</u>
Jefferson Public Citizens	\$343,420	\$1,691,240	\$2,586,963
Faculty Advancement	426,651	609,168	669,520
Center for Advanced Study of Teaching and Learning (CASTL)- Higher Education	149,153	355,064	466,592
Center for Computation-Intense Research and Scholarship	303,760	615,386	626,682

International Programs/Global Education	764,743	1,439,873	1,427,587
Science, Research & Technology	<u>1,500,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
TOTAL	\$3,487,727	\$6,710,731	\$7,777,344

The Board of Visitors delegates authority to the Rector and the Vice Rector to approve the research and international initiative spending plans. These spending plans must be approved before any allocation in support of the research and international initiatives is made; and

RESOLVED FURTHER, the Board of Visitors requests the chairs of the President's Commission on the Future of the University draft a budget, implementation plans and timelines, and measures of success for research buildings, graduate student support, and growth of the faculty for presentation and consideration by the Board of Visitors at its Fall 2009 meeting; and

RESOLVED FURTHER, the Executive Vice President and Provost and the Executive Vice President and Chief Operating Officer shall provide reports to the Board of Visitors on an annual basis describing progress on the implementation of the recommendations of the President's Commission on the Future of the University; and

RESOLVED FURTHER, the foregoing supersedes and repeals anything as may be inconsistent in the Resolution adopted by the Board on October 3, 2008, entitled "Approval of Allocation of Funds to Support Phase One Initiatives of the President's Commission on the Future of the University."

- 2008-2009 SALARY FOR PRESIDENT JOHN T. CASTEEN III
(approved by the Executive Committee on December 11, 2008)

WHEREAS, the President's salary for the forthcoming year customarily is set in the late fall by the Executive Committee, acting on behalf of the full Board of Visitors; and

WHEREAS, the President has informed the Committee that in light of the current economic situation in which no University employees will receive salary rises at this time, he will not take an increase in salary this year;

RESOLVED, the Executive Committee commends the President for his action and will not authorize an increase in salary this year.

- APPROVAL OF THE APPOINTMENT OF WILLIAM P. KANTO, JR., M.D., TO THE MEDICAL CENTER OPERATING BOARD
(approved by the Executive Committee on December 11, 2008)

WHEREAS, the Board of Visitors may appoint up to five public Members of the Medical Center Operating Board whose initial terms are not to exceed four years;

RESOLVED, William P. Kanto, Jr., M.D., of Augusta, Georgia, is appointed to the Medical Center Operating Board as a public Member for the period December 15, 2008, through December 14, 2012.

- ENDORSEMENT OF REVISIONS TO UVIMCO RULES FOR OPERATION OF THE UNITIZED INVESTMENT POOL
(approved by the Executive Committee on December 11, 2008)

WHEREAS, the Deposit and Management Agreement between the University of Virginia and the University of Virginia Investment Management Company (UVIMCO) dated July 1, 2007 provides that UVIMCO shall operate the unitized investment Pool in accordance with rules that may be agreed upon from time to time in writing between UVIMCO and the Designee of the President of the University of Virginia; and

WHEREAS, UVIMCO and the President's Designee agreed on July 1, 2007 to rules for the operation of the Pool and which were set forth as Exhibit A of the Deposit and Management Agreement; and

WHEREAS, UVIMCO and the President's Designee have revised the rules governing the operation of the Pool effective December 9, 2008; and

WHEREAS, these changes are set forth in the revised Exhibit A, "Rules for the Operation of the Pool as of December 9, 2008";

RESOLVED, the Executive Committee of the Board of Visitors of the University of Virginia, acting on behalf of the full Board, endorses the actions of the President's Designee in revising the rules for operation of the UVIMCO unitized investment pool, effective December 9, 2008.

Exhibit A is on file at the Office of the Board of Visitors and may be examined there.

- APPROVAL OF ASSIGNMENT OF PAVILION I, WEST LAWN
(approved by the Executive Committee on February 4, 2009)

RESOLVED, Pavilion I, West Lawn, is assigned to Dean and Mrs. Robert C. Pianta for a period of four years, beginning in the fall of 2009 or whenever the Pavilion is ready for occupancy. This assignment is a continuation of Mr. and Mrs. Pianta's present lease on Pavilion III;

RESOLVED FURTHER, at the expiration of their lease on Pavilion I, Dean and Mrs. Pianta may apply to the Executive Committee of the Board of Visitors for a renewal of the lease for a five year term.

- APPROVAL OF ASSIGNMENT OF PAVILION II, EAST LAWN
(approved by the Executive Committee on February 4, 2009)

RESOLVED, Pavilion II, East Lawn, is assigned to Dean Meredith Woo Jung-En and her husband, Bruce Cumings, for a period of five years beginning in the summer of 2009, or whenever the Pavilion is ready for occupancy. At the end of five years, Dean Woo and Mr. Cumings may apply to the Executive Committee of the Board of Visitors for a renewal of the lease for a second five year term.

10. MEMORIAL RESOLUTION ON ELSIE GOODWYN HOLLAND

WHEREAS, Elsie Goodwyn Holland was born at McKenney in Dinwiddie County in 1935; and

WHEREAS, Mrs. Holland took a B.A. from Virginia State College, now Virginia State University, in 1955, as well as a Master's degree in 1969; and

WHEREAS, Mrs. Holland took a doctorate in education from the University of Virginia in 1975; and

WHEREAS, Mrs. Holland was committed to public education and was a teacher and school administrator for most of her working life; and

WHEREAS, Mrs. Holland served on several boards and commissions, including the Board of Visitors of Virginia State University; and

WHEREAS, Mrs. Holland was appointed to the Board of Visitors of the University of Virginia by Governor Allen in 1994, the first minority woman to serve on the Board; and

WHEREAS, Mrs. Holland was reappointed for a second term by Governor Gilmore and served until 2003; and

WHEREAS, Mrs. Holland served the Board and the University with great devotion; and

WHEREAS, Mrs. Holland died in Richmond on November 30, 2008;

RESOLVED, the Board of Visitors expresses its profound sorrow at the passing of its friend and former colleague, Elsie Goodwyn Holland and its deepest sympathy to her husband, Kenneth, and to her family.

11. MEMORIAL RESOLUTION ON GILBERT J. SULLIVAN

WHEREAS, Gilbert J. Sullivan, a native of Fredericksburg, was born in 1929 and matriculated in the University in 1945; and

WHEREAS, Mr. Sullivan took his Bachelor's degree in 1948 at the age of 19, having been a member of the football team, Sigma Alpha Epsilon, and the Z Society, and later a member of Omicron Delta Kappa and the Raven Society; and

WHEREAS, Mr. Sullivan went to work for the Alumni Association in 1948, after his graduation; and

WHEREAS, Mr. Sullivan became Director of the Alumni Association in 1958, a position he held until his retirement in 1993; and

WHEREAS, the Alumni Association, under Mr. Sullivan's leadership, underwent great growth, not only in membership but in the range and quality of services and support it offers to alumni and to the University as a whole; and

WHEREAS, this growth and the physical expansion of Alumni Hall constitute a lasting monument to Mr. Sullivan and to his contributions to the University; and

WHEREAS, Mr. Sullivan died in Charlottesville on January 5, 2009;

RESOLVED, the Board of Visitors honors Mr. Sullivan's achievements and service and devotion to the University, mourns his passing, and expresses its deepest sympathy to Mrs. Sullivan and his family.

12. MEMORIAL RESOLUTION ON JOHN A. BLACKBURN

WHEREAS, John A. Blackburn, a Marylander, took a B.A. from Western Maryland College in 1963, and after military service, a Master's from Indiana University; and

WHEREAS, Mr. Blackburn joined the University in 1979 as an Associate Dean of Admission; and

WHEREAS, Mr. Blackburn became Dean of Admission in 1985; and

WHEREAS, Mr. Blackburn, as Dean, committed himself and his staff to raising the academic standards expected of matriculants and to diversifying the undergraduate student body of the University by encouraging minority and international applicants, efforts which have been notably successful; and

WHEREAS, Mr. Blackburn became known nationally for his leadership in making the University accessible to qualified students who otherwise might not have been able to afford a college education, efforts which led to the creation of the program AccessUVa; and

WHEREAS, Mr. Blackburn received the Thomas Jefferson Award in 2008 in recognition of his service and contributions to the University; and

WHEREAS, Mr. Blackburn died in Charlottesville on January 20, 2009;

RESOLVED, the Board of Visitors mourns the passing of John A. Blackburn and expresses its deepest sympathy to Mrs. Blackburn and their children. In so doing, the Board pays tribute to the great and lasting contributions Mr. Blackburn made to the University of Virginia, and to his leadership in his profession.

ATTACHMENT

Grievance Procedures for Administrative and Professional General Faculty

I. Introduction

This procedure is intended to provide the College with a fair and efficient means of resolving certain complaints brought by Administrative and Professional General Faculty with respect to their employment. (*see below).

A. Complaints Covered by Phases I, II, and III:

This procedure has three phases. Phase I consists of two levels of review. Complaints qualifying for Phase I may qualify for further review, utilizing either Further Investigation Phase II or the Hearing Phase III, but not both unless authorized by the Chancellor.

1. Phase I

- a. Complaint of Illegal Discrimination – a complaint made by the faculty member alleging discrimination because of his or her race, color, sexual orientation, gender, religion, political affiliation, age, handicap, national origin or veteran's status, or harassment on the basis of any of the foregoing.
- b. Complaint of Disciplinary Action – a complaint of unwarranted disciplinary action in his or her employment.
- c. Complaint of Breach of Employment Contract.
- d. Complaint of Reprisal – a complaint of acts of reprisal as a result of using this procedure or being a witness for another complainant using this procedure or for reporting improper conduct to appropriate College officers or public officials.

*See www.virginia.edu/genfac/bylaws for definition of Administrative and Professional General Faculty.

2. Phase II

Complaints qualifying for Phase II review are those which the Chancellor or his or her designee decides, as described below, should be investigated further.

3. Phase III

Complaints qualifying for the Phase III reviews are those which the Chancellor or his or her designee decides, as described below, should be reviewed through a hearing procedure.

B. Extensions of Time Periods

1. Phase I and Qualification Proceedings

The time periods applicable in Phase I and the qualification proceedings under Section III may be extended by written agreement of the complainant and the relevant College official involved in a particular step, or by the Chancellor or his or her designee upon a written determination that good cause exists for the extension.

2. Phase II

The time periods applicable in Phase II review may be extended by written agreement of the complainant, the appropriate management representative and the investigator, or by the Chancellor or his or her designee upon a written determination that good cause exists for the extension.

3. Phase III

The time periods applicable in the Phase III may be extended by written agreement of the parties and the panel, or by the Chancellor or his designee upon a written determination that good cause exists for the extension.

C. Noncompliance Issues

Any issues relating to noncompliance with these procedures shall be promptly presented to the Chancellor for resolution.

D. Delegation by the Chancellor

If the Chancellor deems it appropriate, he or she may delegate some or all of the Chancellor's duties under this procedure.

E. Alternates

In the following cases the Chancellor may designate, at the complainant's timely request, in writing, to the Chancellor or on the Chancellor's own motion independent of any such request, an alternate to perform the role of one or more persons under this procedure:

1. A complaint directed at a person discharging any official duty on behalf of the College under this procedure who also immediately supervises the complainant;
2. A complaint directed at a person who would be a reviewer under this procedure;
3. A complaint against the Chancellor.

F. Attorneys

1. Other than for the Panel:

Attorneys or other advisors representing the parties may be present during any hearing or meeting called for by this procedure, so long as such presence is not disruptive. However, the attorney or advisor may not participate in the proceedings or speak for or on behalf of the party represented.

2. For the Panel:

A hearing panel may have counsel present at any time. The panel's counsel shall not question witnesses and shall be available to the panel to provide such legal advice as may be requested or advisable, however any factual findings are and shall be the prerogative of the panel. Counsel for the panel as may be needed shall be provided by the University's Office of General Counsel or Office of the Attorney General; provided any lawyer who may have provided legal advice to management concerning the grievance or the matter on which it is based shall not serve as counsel to the hearing panel.

II. Phase I Review Procedures

A. Standard First Level of Phase I Review

1. Bring complaint to Director of Human Resources. Complainants are encouraged to discuss their grievances in person with those able to resolve them before the procedure described in this document is initiated. If the complainants are not comfortable discussing their grievances directly with each other, they can request the assistance of a third party mediator to informally discuss their grievances in an effort to resolve them before the procedure described in this document is initiated. The mediator can be assigned by the Director of Human Resources or the Chancellor. This procedure is not intended as a substitute for such discussions, but rather as an additional means of resolving disputes.

2. If the dispute cannot be resolved through informal discussion, the complainant must initiate a review by providing their immediate supervisor, within ten calendar days of the event which is the basis for the complaint, a written statement describing both the nature of the complaint and the relief requested. Failure to timely provide the written statement shall preclude proceeding under this grievance procedure unless the Chancellor may rule otherwise finding good cause to proceed and that the failure to timely

provide the written statement is not attributable to the fault of the complainant. The complainant and the supervisor should attempt to resolve the complaint informally during the supervisor's following five workdays.

3. Within ten workdays after receipt of the complainant's written statement, the complainant's immediate supervisor shall provide to the complainant a written response to the statement. The response shall state the supervisor's decision and the supporting reasons.

B. Anonymous First Level Review Option

1. For complaints of harassment or discrimination, instead of proceeding as stated in above, the complainant may initiate this Anonymous Review within ten calendar days after the event which is the basis for the complaint. The complainant must request in writing, that the Chancellor review the complaint directly. The Chancellor may designate an appropriate individual to conduct the review who shall not be the immediate supervisor of the complainant or otherwise the subject of the complaint. The anonymity of the complainant shall be respected to the extent practicable except as may be required by law or necessary in connection with the investigation.

2. The designate shall take such steps as the designate and the complainant deem appropriate to attempt to resolve the complaint without the need for disciplinary action or further use of this procedure.

3. The complainant may terminate the Anonymous Review at any time upon informing the designate in writing or by initiating a complaint as described in Section II.A in a timely manner.

C. Second Level of Phase I Review

1. If the immediate supervisor's response from the First Level Review does not resolve the complaint to the complainant's satisfaction, the complainant may advance the complaint to the Second Level Review.

Within five days of receipt of the immediate supervisor's response, a written statement describing the complaint and the relief requested must be submitted to the Director of Human Resources, with copy to the immediate supervisor and the head of the department (or appropriate vice chancellor as provided in the next paragraph.)

2. A Second Level reviewer shall be the head of the complainant's department or, if the head was the First Level reviewer, the appropriate vice chancellor or other person reporting to the Chancellor or, if such person was the First Level reviewer, the Chancellor or his or her designee.

3. The Second Level reviewer shall schedule a meeting with the complainant to be held within five workdays (of the Second Level reviewer) after receipt of the complainant's statement. The Second Level reviewer shall also gather such additional information concerning the complaint as he or she deems appropriate.

4. Within ten workdays after meeting with the complainant, the Second Level reviewer shall provide the complainant a written response to the complaint, with a copy to the Chancellor. The response shall state the reviewer's decision and the supporting reasons.

III. Request for Further Investigation Phase II or Hearing Phase III Reviews

A. Further Investigation Phase II

1. If the Second Level reviewer's response does not resolve the complaint to the complainant's satisfaction, the complainant may request the Chancellor to qualify the complaint either for Further Investigation Phase II or Hearing Phase III. Such a request must be submitted to the Chancellor in writing, with a copy to the First and Second Level reviewers, within ten calendar days after the complainant's receipt of the Second Level reviewer's

response. The request to the Chancellor must be timely as above provided and include the complainant's statement of the complaint, the relief requested, the facts the complainant claims support the complaint, and an explanation of why the complainant believes the complaint should be reviewed by a Further Investigation Phase II or Hearing Phase III review. Failure to comply with the foregoing shall preclude further proceedings hereunder, unless the Chancellor directs otherwise for good cause.

Within ten workdays after receipt of the complainant's statement, the Chancellor shall normally provide to the complainant a written decision (with copies to the first and second step reviewers) on whether the complaint qualifies for Further Investigation Phase II or Hearing Phase III. If the complaint does not qualify for either Further Investigation or Hearing Phases, processing of the complaint under this procedure is terminated. The decision shall include a brief statement of the Chancellor's reasoning.

2. If Further Investigation Phase II is ordered, the Chancellor shall designate an investigator, who shall not be under the authority of the previous reviewers or report to the immediate supervisor.

B. Hearing Phase III Review

1. A Hearing Phase III Review shall be ordered if the Chancellor determines after consultation with counsel that a procedural due process hearing is legally required or would be in the College's best interest.

2. If a Hearing Phase III is ordered, the Chancellor shall provide a copy of the decision to the chair of the Administrative and Professional General Faculty Hearing Committee and shall include in the decision a determination of which party shall have the burden of proof on which issues. Such decision is not grievable. In the case of disciplinary action against the

complainant, management shall have the burden of proving that its action was a reasonable exercise of discretion.

IV. Further Investigation Phase II Procedures

A. Investigation

The investigator shall investigate and gather relevant facts by whatever means he or she determines to be most effective and efficient, provided the investigator shall conduct at least one meeting at which the complainant and the appropriate management representative shall be present and afforded an opportunity to respond to each other's presentations concerning the complaint.

B. Report

As soon as practicable and normally within thirty workdays after the investigator's receipt of the Chancellor's decision qualifying the complaint for Further Investigation Phase II, the investigator shall provide his or her report and recommendations to the Chancellor.

If the investigator determines that the evidence qualified the complaint further review, the complainant or management may within five days after receipt of the report provide the Chancellor a written request for review and modification of the report. The Chancellor may at his or her discretion, review the matter and take such action as deemed appropriate. Within ten workdays after receipt of the request for review, the Chancellor shall provide a written response to the complainant and the First and Second Level reviewers.

C. Decision

Within ten workdays after receipt of a copy of the investigator's initial report or within ten workdays after completion of any revised report, the Chancellor shall provide to the complainant a written statement of whether the College will provide the complainant with any relief.

D. Request for Reconsideration

Within ten workdays after receipt of the Chancellor's statement, the complainant may submit to the Chancellor a written statement requesting the Chancellor to reconsider the decision and describing why the complainant believes the Chancellor's statement is incorrect. The Chancellor shall provide to the complainant a response within ten workdays after receipt of the complainant's request. That response shall be the final step under this procedure.

V. Hearing Phase III Procedures

A. Selection of Hearing Panel

Within ten workdays from the Chancellor's decision ordering Hearing Phase III, the hearing panel shall be selected. Each vice chancellor shall appoint one General Faculty member from his or her division to serve a two-year term as a member of the Administrative Hearing Panel. In addition, the Chancellor shall appoint a member-at-large and will insure that members terms are staggered the parties of the composition of the panel in writing. The Panel Chair may disclose the names of the parties and the general nature of the complaint to aid prospective members in their decisions as to whether they should serve or decline due to potential bias or conflict.

B. Challenges of Panel Members

Within five calendar days after receipt of the Administrative and Professional General Hearing Relations Committee Chair's written notification of the panel members, either party may petition the Chair to replace one or more of the members for good cause. The petition shall be in writing and provide the necessary factual basis for the Chair to review and decide, and the petition shall be copied to the other party to the grievance.

C. Replacement Members

The Administrative and Professional General Faculty Hearing Committee Chair shall provide to the parties a decision on any challenges and a designation of any replacement panel members.

D. Scheduling the Hearing

Within ten workdays after receipt of notice by the Administrative and Professional General Faculty Hearing Committee Chair that the panel has been selected, the chair shall provide to the involved parties and the other panel members written notice of the time and place of the hearing, which shall normally be held at least fifteen, but not more than thirty workdays after designation of the panel.

E. Description of the Case

Within ten workdays after receipt by the parties of notice that the panel has been selected, the party with the burden of proof shall provide the other party and the panel chair with a description of the party's case against the other, including a statement of the charges, a summary description of the evidence supporting the charges and a description of any relief requested.

F. Response

Within five days after receipt of the description of the case against him or her, the party not having the burden of proof shall provide the other party and the panel chair with a written response stating his or her position on the charges, and the evidence supporting that position.

G. Witnesses and Document Lists

Each party shall provide to the other and the panel chair at least five calendar days before the hearing a list of witnesses expected to be called and any documents to be introduced, with such information to be updated with any additions occurring within five days of the hearing. Any witness or document not identified shall not be permitted at the hearing unless the panel chair finds good cause and that the responsible party was not at fault. The parties are each responsible for making arrangements for their witnesses and documents being present and available on time at the hearing.

H. Resolution of Pre-Hearing and Hearing Issues

The panel chair is the presiding officer authorized to resolve all issues with respect to the proceedings, including any evidentiary issues and, in doing so, may consult the panel.

I. Persons Present

The involved parties shall be entitled to be present during the entire hearing, excluding the panel deliberations. Witnesses other than the parties may be present only while giving their testimony. Other than the person recording the hearing, no other person shall be present except as the panel chair permits provided the parties may have legal counsel present to listen and observe the proceedings without disruption.

J. Recording

The panel chair shall arrange for the hearing to be recorded. The panel chair may arrange for preparation of any transcript of the recording which it determines is needed by the panel. The expense of the recording and any such transcript ordered by the panel chair shall be paid by the Office of the Chancellor. Either party wishing a transcript may arrange with the person who recorded the hearing to obtain a transcript, but at their expense.

K. Procedural and Evidentiary Questions

Except as provided in this procedure, the panel chair shall not be bound by the rules of procedure or evidence, applicable to judicial proceedings and the panel may take into account any evidence to the extent it deems the evidence to be reliable and relevant. The panel chair shall be responsible for ruling on all evidentiary questions and in doing so may consult the panel.

L. Order of the Proceedings

Except as the panel chair may provide otherwise, the order of the hearing shall be as follows. The party with the burden of proof may make an opening statement, followed by the other party's opening statement. The party with the

burden of proof shall then present evidence, followed by the other party's presentation of evidence, followed by rebuttal evidence by the party with the burden of proof. The panel may allow such additional evidence as it deems appropriate. The panel may request the parties to produce evidence on particular issues, and the panel itself may request witnesses to testify or may present other evidence. Upon completion of the presentation of evidence, the party with the burden of proof may make a closing statement, followed by the other party's closing statement, and the party with the burden of proof may then make a rebuttal statement.

M. Questions of Witnesses

Subject to the oversight and direction of the panel chair, the parties may directly and reasonably question any person testifying at the hearing provided the questioning is not abusive or argumentative and designed to produce relevant and probative information and the panel members may also ask witnesses questions at any time.

N. Additional Sessions

The chair may adjourn the hearing from and reconvene it for such additional sessions as the chair may determine, provided that the hearing shall normally be completed within thirty days of its commencement unless the panel chair and the parties agree otherwise.

O. Written Statements

At the chair's request, the parties shall submit written statements on any matters designated by the chair in consultation with the panel, including proposed findings of fact and recommendations.

P. Hearing Phase III Panel Report

Within thirty workdays after conclusion of the hearing or, where applicable, the panel's receipt of the parties written statements or any transcript requested by the panel, the panel shall provide to the Chancellor and the parties a written report. The report shall be divided into two sections, the first being the panel's factual findings,

and the second, the panel's recommendations to the Chancellor on how the College should respond to the complaint. The contents of the panel's report shall be determined by simple majority vote, provided that dissenting or concurring members shall be entitled to submit separate written statements which shall accompany the report.

Q. Chancellor's Review and Decision

1. The Chancellor shall accept as true the panel's factual findings unless the Chancellor has reasonable grounds for reopening the hearing. In the event of such grounds, the Chancellor may request the panel to promptly conduct additional hearing proceedings, or the Chancellor may conduct such proceedings, and a supplemental report on the factual findings shall be provided to the parties within ten workdays after completion of any such proceedings.

Within ten workdays after the receipt of the panel's report and any supplemental report, the parties may provide to the Chancellor and the other party their written arguments, as opposed to additional evidence, in support of their respective positions. In addition, the parties may request an opportunity to present oral arguments. The Chancellor may or may not allow such arguments. The Chancellor may also, in the presence of or by copy to the parties, ask the panel members questions relating to their report. The Chancellor may obtain and review any or all of the hearing transcript and exhibits.

2. Chancellor's Decision

Within thirty workdays after receipt of the panel's report, any supplemental report or any transcript requested by the Chancellor, or completion of oral arguments, whichever last occurs, the Chancellor shall normally provide to the parties and the panel a written decision on the requested relief.

3. Request for Reconsideration

Within ten workdays after receipt of the Chancellor's decision, either party may provide to the Chancellor and panel a written request for reconsideration which shall describe why the party believes the Chancellor's decision is incorrect. The Chancellor may conduct such additional proceedings as he or she deems appropriate. Within ten workdays after receipt of the request for reconsideration or conclusion of any such additional proceedings, the Chancellor shall provide to the parties and panel a response to the request. That response shall be the final step under this procedure.

VI. Amendments

This "Grievance Procedure for General Faculty," may be amended at any time by the Chancellor who shall determine whether it is appropriate for any particular amendment to apply to pending as well as future complaints.

Approved by The University of Virginia's College at Wise Board,
October 9, 2008.

Approved by the Board of Visitors, _____.

Sample Procedure

Grievance Procedures for Administrative and Professional General Faculty

PHASE I (Standard First Level)

1. Complaint brought to Director of Human Resources
2. Informal discussions arranged by Director of Human Resources

If not resolved:

3. Complaint is filed with supervisor (or their next level of supervision if immediate supervisor is the object of complaint); within 10 calendar days.
4. Within 10 workdays supervisor sends response

If not resolved:

SECOND LEVEL

1. File written complaint with Director of Human Resources within 5 workdays
2. Second Level reviewer appointed by Director of Human Resources
3. Supervisor will schedule meeting; collect information;
4. Written response of decision to employee within 10 workdays

If not resolved:

FURTHER INVESTIGATION PHASE II OR HEARING PHASE III

1. Request Chancellor to qualify the complaint for Further Investigation II or Hearing III within 10 calendar days.
2. Chancellor - written decision to go to Phase II or III or not within 10 workdays.

If not, end of procedure.

If yes, go to Further Investigation Phase II

1. Chancellor appoints investigator
2. Investigator interviews parties, reviews evidence
3. Investigator's recommendation to Chancellor within 30 workdays
4. Chancellor written statement to complainant normally within 10 workdays
5. If complainant is not satisfied, complainant can, within 10 workdays, file for a reconsideration response- final step

"Or" HEARING PHASE III

1. Chancellor decides if hearing is needed
2. Normally within ten workdays, assemble Hearing Panel
3. Hearing panel conducts first hearing within 15-30 workdays. (Can settle before hearing begins.)
4. Panel reports within 30 workdays after conclusion of the hearing to Chancellor
5. Chancellor accepts report or order further hearing (10 workdays) after final proceeding, Chancellor's decision.
6. Complainant may request a reconsideration of Chancellor's decision within 10 workdays.