

(d) Step Three. In the case of any still unresolved grievance between an employee and the University CONSTITUENT INSTITUTION, the aggrieved employee, after exhausting all available procedures provided by the University CONSTITUENT INSTITUTION, may submit the grievance to either arbitration or to the Secretary of Personnel. In either case, the appeal shall be submitted within 10 days after the receipt of any written decision pertaining to that grievance and issued by the University CONSTITUENT INSTITUTION. If the grievance is arbitrated, the parties shall select an arbitrator by mutual agreement. If they are unable to reach a mutual agreement, an arbitrator shall be supplied by the American Arbitration Association by their procedures. Any fees resulting from arbitration are assessed by the arbitrator equally between the two parties. The arbitration award is advisory to the Secretary of Personnel and an additional appeal or hearing may not be considered. The Secretary of Personnel shall make the final decision that is binding on all parties.

(e) The Secretary of Personnel shall have the power to award back pay in any grievance and the President of the University CONSTITUENT INSTITUTION shall enforce such order. In any reclassification case in which the Secretary, or his designated representative, determines that an employee has been misclassified, the Secretary may, in his discretion, award back pay to the employee for a period not to exceed one year prior to the initial filing of the grievance.

13-1A-04.

A decision may not be made at any step of the grievance procedure that conflicts with or modifies a policy approved by the Board of Regents of the University or with any applicable statute or with any administrative regulation issued under appropriate statutory authority or that otherwise delimits the lawfully delegated authority of University officials unless prior approval has been obtained from the responsible official.

13-1A-05.

(a) Within 5 days from the date on which the employee receives the charges for removal as evidenced by the return receipt or other evidence of delivery of the charges to the employee an employee who is suspended under charges for removal may request an opportunity to be heard in his own defense. Within 30 days if possible after receipt, the [President] CHANCELLOR or the [President's] CHANCELLOR'S designated representative shall investigate the charges and give the employee an opportunity to be heard. Testimony shall be taken under oath and both the department head or chairman or designee and the employee has the right of representation by counsel and the right to present witnesses and give evidence. Within 15 days following the conclusion of the conference, the written decision