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ACCESS RULING

In the matter of Christopher Newport University
Ruling Number 2026-5951
September 18, 2025

On or about September 8, 2025, the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management (DHRM) received a dismissal grievance initiated by the grievant to challenge his separation from employment at Christopher Newport University (the “university” or “agency”). In response, the university has challenged the grievance on grounds that the grievant lacks access to the state employee grievance procedure.

It appears that the grievant was hired to his role effective May 10, 2022, by letter describing the position classification as “professional faculty” and an “at will appointment.” On or about August 18, 2025, he received a letter terminating his employment with the university. In the grievance, the grievant describes having submitted a letter in May 2025 along with other team leaders in his department, raising concerns about the actions and behavior of the Executive Director. The grievant states that the university investigated the concerns though the Executive Director remained at work. The grievant then states that certain allegations were raised against him and the situation was handled differently than the investigation of the Executive Director, as he was put on administrative leave and then ultimately lost his job.

The General Assembly has provided that all non-probationary state employees may utilize the state employee grievance process, unless exempted by law.¹ Generally speaking, employees who are employed in positions designated as exempt from the Virginia Personnel Act (the “Personnel Act”) do not have access to the grievance procedure.² When the General Assembly adopted the Restructured Higher Education Financial and Administrative Operations Act in 2005, institutions of higher education, like the university, were given approval to designate “positions that require a high level of administrative independence, responsibility, and oversight within the organization or specialized expertise within a given field” as administrative and professional faculty, and this provision was included within the Personnel Act.³ Accordingly, EDR has

¹ Va. Code § 2.2-3001(A); *Grievance Procedure Manual* § 2.3.

² Va. Code §§ 2.2-2905, 2.2-3002.

³ *Id.* § 2.2-2901(E).

previously held that “Administrative/Professional Faculty” at institutions of higher education are exempt from the Personnel Act and do not have access to the state employee grievance procedure.⁴

In this case, it appears that the grievant was hired in a position classified as “professional faculty.” Thus, EDR finds that, for purposes of access to the grievance procedure, the grievant’s former position was appropriately considered “Administrative/Professional Faculty.” As such, he lacks access to the state employee grievance procedure. Accordingly, the dismissal grievance submitted by the grievant to EDR cannot proceed, and our file will be closed.⁵

EDR’s access rulings are final and nonappealable.⁶

Christopher M. Grab
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⁴ See, e.g., EDR Ruling No. 2019-4840; EDR Ruling No. 2013-3477; see also DHRM Policy 2.20, *Types of Employment* (defining a “non-covered employee” as a “salaried employee who is not subject to the Virginia Personnel Act . . . [i]nclud[ing] . . . administrative and professional faculty).”

⁵ This ruling determines only that the grievant is ineligible to pursue his claims through the state employee grievance procedure. Nothing herein should be read to address whether any legal or other remedy may be available to the grievant through another process – e.g. a university grievance process for professional faculty – for the issues raised in his grievance.

⁶ Va. Code § 2.2-1202.1(5).