I. PURPOSE AND SCOPE

A. This policy document describes the informal and formal procedures for addressing non-faculty employee grievances handled by Human Resources. Guidelines governing faculty grievances can be found in the Faculty Handbook.

B. Grievances based on allegations of discrimination and/or sexual harassment are handled by the Office of Affirmative Action/Equal Employment Opportunity (OAA/EEO) and not pursuant to this policy.

Guidelines governing faculty grievances can be found are available in the Faculty Handbook.

II. POLICY STATEMENT

Intimidation, harassment, coercion or reprisal in any form against any employee for presenting a grievance or for participating, or assisting another employee in the presentation of a grievance pursuant to this policy is strictly prohibited.

Should an employee feel that his/her rights have been violated, the employee may originate a grievance, proceeding first through the informal grievance procedure. The informal procedure must be initiated within five (5) working days of the occurrence (or last of a series of occurrences) of the action or inaction for which the employee feels aggrieved. The formal procedure must be initiated within (10) working days of the action or inaction for which the employee feels aggrieved.

Dates and timelines specified may be altered or extended by the employee or supervisors with prior approval of the Associate Vice President for Finance.

III. DEFINITIONS

A. Appeal Panel: A group of three (3) staff members chosen by the Human Resources (HR) Representative or his/her designee who will attend the appeal hearing and render a decision as to whether the grievable employment action was arbitrary, unfair or inconsistent with University policy and/or practice. The Appeal Panel will consist of one (1) staff level employee from outside the
grievant’s department and two (2) management level employees from outside the grievant’s department.

**AB.** Cabinet Officer: Vice President or other top official of the employee’s department or division reporting directly to the President and serving as a member of the President's Cabinet.

**C.** Formal Grievance Procedure: The formal procedure has been established to resolve those work-related issues that could not be resolved through the informal grievance procedure. This procedure is available only to regular all university employees in regular positions.

**D.** Grievable Actions: Only employment actions taken against regular, non-probationary employees are subject to the Informal or Formal Grievance Procedures and these grievable actions are limited to the following: terminations, demotions, involuntary transfers to another job classification, final written reprimands, and suspensions without pay.

**E.** Grievance: A complaint brought by disagreement between an employee against management regarding the terms or conditions of employment. See Grievable Actions, (III)(CD). Grievances may include, but are not necessarily limited to involuntary transfer to a different job classification, demotion or dismissal. Assignment of duties, determination of work hours and other management responsibilities are reserved as management rights and are not subject to a grievance.

**F.** Human Resources Representative: The Human Resources Generalist assigned to the college or division in which the grievable action occurred or his/her designee.

**G.** Informal Grievance Procedure: The informal procedure has been established to resolve work-related problems as quickly as possible and is available to all non-faculty university employees, regardless of classification, hours worked or length of appointment. A grievant must always follow the Informal Grievance Procedure prior to seeking recourse through the Formal Grievance Procedure.

**H.** Regular Employee: A non-faculty, non-probationary university employee who is employed for at least 20 hours per week on a regular basis, excluding students employed in positions which require student status as a condition of employment. Referred to herein as “employee.”

**D.** Informal Grievance Procedure: The informal procedure has been established to resolve work-related problems as quickly as possible and is available to all university employees, regardless of classification, hours worked or length of
appointment. The regular employee should always follow the informal procedure prior to seeking recourse through the formal grievance procedure.

E. Regular Employee: A university employee who is employed for at least 20 hours per week on a regular basis for a period of at least four and one-half months, excluding students employed in positions which require student status as a condition of employment.

F. Post Dismissal Appeal: A non-probationary employee, who has been terminated from the university, has the option of filing a post dismissal appeal in an attempt to be re-employed in the position they were terminated from. To file a post-dismissal appeal, the employee should follow the formal grievance procedures outlined in this policy.

G. Appeal Board: A trained panel consisting of two (2) panelists representing the employee’s peers and one (1) panelist representing the supervisor’s peers.

IV. INFORMAL GRIEVANCE PROCEDURE

A. The informal Grievance procedure is available to all non-faculty university employees excluding students employed in positions which require student status as a condition of employment, regardless of classification, hours worked or length of appointment.

B. An employee must initiate may begin the Informal Grievance Procedure regarding procedure within five (5) working days of the occurrence of the grievable action or inaction (or last of a series of grievable actions or inactions) for which the employee feels aggrieved by requesting a meeting with his/her supervisor and informally discussing the issues within five (5) working days of the action and coming to an amicable understanding. An employee who fails to initiate the Informal Grievance Procedure forfeits his/her right to utilize these employee grievance procedures. Employees and supervisors engaged in the Informal Grievance Procedure should make reasonable efforts to cooperate to resolve the issues central to the grievance problems efficiently and informally. The Informal Grievance is intended as an informal initial dispute resolution phase before documenting a Formal Grievance. This procedure step should be conducted as an interest-based, collaborative problem-solving process between the employee and supervisor with the purpose of preserving the work relationship. Employees may only proceed to the Formal Grievance Procedure if he or she has first made reasonable efforts to resolve the problem or issue with the supervisor informally.

C. The meeting requested by the employee shall take place within five (5) working days from the date of the occurrence of employment action by which the
employee feels aggrieved, request for the meeting. If the supervisor is not available or refuses to meet during the five-day time frame, the next level supervisor in line will meet with the employee within the referenced five (5) day period to discuss and attempt to resolve the complaint.

D. If a regular employee's complaint is not resolved through the Informal Grievance Procedure or if the employee's direct supervisor and next level supervisor are not available or refuse to meet with the employee within five (5) working days, the employee may choose to move forward with informal discussions, either party may then request a confidential review by a Human Resources Mediation Process or Formal Grievance Procedure, Manager or designee. The Human Resources Manager or designee will counsel, advise, and/or mediate to promote resolution of the complaint.

IV. FORMAL GRIEVANCE PROCEDURE

A. Mediation—If a grievance is not resolved through the informal Grievance Procedure, a regular employee may, but is not required to, proceed with the formal grievance procedure. Supervisors may meet one-on-one with the employee at any point in the process to gain additional information or seek resolution prior to mediation.

1. Within 5 working days following conclusion of the informal grievance, the employee completes a written, signed grievance form that contains the following information: name and address of grievant; nature and date of alleged violation; names(s) of person(s) responsible for the alleged violation; requested relief or corrective action and any background information that the grievant believes to be relevant.

B. For grievances alleging discrimination, the employee must provide a written grievance to the OAA. The OAA may proceed with Title IX. In order to proceed with the Formal Grievance Procedure the employee must complete the Informal Grievance Procedure, or attempt to complete the Procedure, with his/her direct supervisor or next level supervisor, and complete a written, signed, Formal Grievance Request Form (insert hyperlink), which may be obtained from the Human Resources Department. The information supplied by the Grievant in the Formal Grievance Request Form must include, in detail, the reasons the employee believes the actions of the supervisor or person responsible for the grievable action were arbitrary, unfair, or inconsistent with University policy and/or practice as well as the names of any witnesses who have knowledge of the grievable action and/or any relevant documentation. The Formal Grievance Request Form should be submitted to the designated Human Resources representative within five (5) working days of the grievable action either via hand delivery or U.S. Postal mail. A form sent via U.S. Postal mail must be postmarked no later than the fifth working day after the grievable action.
C. Upon receipt and review of the Formal Grievance Form and any supporting documentation, the designated Human Resources Representative will grant or deny the employee’s Formal Grievance request. In order for a Formal Grievance request to be granted the designated Human Resources Representative must determine, based on the documentation and information provided by the employee, that it is more likely than not that the actions of the supervisor and/or person responsible for the grievable action were arbitrary, unfair, or inconsistent with University policy and/or practice. The designated Human Resources Representative must give his/her decision as to whether to grant or deny the employee’s Formal Grievance request to the employee within ten (10) working days of receipt of the employee’s Formal Grievance Form and documentation.

D. If the designated Human Resources Representative grants the employee’s Formal Grievance request, the Human Resources Representative will immediately notify the employee’s supervisor and request the supervisor to submit a response including any statements, documentation and/or the names of any witnesses that the supervisor feels support his/her actions as well as the outcome the supervisor desires to see from the Human Resources Mediation Process and/or Appeal Panel Process.

E. The Formal Grievance Procedure involves two potential processes:

1. Human Resources Mediation Process
   a. The purpose of the Human Resources Mediation Process is to open and/or improve dialogue between the supervisor and the grievant and to facilitate an agreement between the parties regarding the disputed matter.
   b. If the employee's complaint is not resolved through the Human Resources Mediation Process or if the supervisor refuses to participate, the employee may request to move forward with the Appeal Panel Process by notifying the designated Human Resources Representative in writing, using the Appeal Panel Process Request Form (insert hyperlink), of this request within three (3) working days of the conclusion of the Human Resources Mediation Process.

2. Appeal Panel Process
   a. Upon receipt of the written appeal request, the designated Human Resources Representative will immediately begin the process of setting a hearing date with an Appeal Panel.
b. Prior to the Appeal Panel hearing, there will be a simultaneous exchange of this information between the parties, which will be facilitated by the designated Human Resources Representative. The employee may not provide any information, documentation, or any other evidence of any kind to the Appeal Panel that was not provided to the designated Human Resources Representative for review and consideration in deciding whether or not to grant the employee’s request to utilize the Formal Grievance Procedure.

c. Both the grievant and the grievant’s supervisor shall have the right to an advisor or advice of counsel of their choice; however, neither party may proceed through their advisor and/or counsel. The parties must provide the designated Human Resources Representative with the names of any counsel that will be present at the hearing no later than five (5) working days prior to Interim Grievance Procedures.

2. The employee provides the completed grievance form to the Human Resources Manager, who reviews the document and forwards it upon receipt to the employee’s immediate supervisor. Copies of the completed grievance form may also be forwarded to the Supervisor’s Manager, and/or other levels of authority.

3. Within five working days of receipt, a Human Resources representative will in conjunction with the supervisor and grievant arrange a meeting to mediate the written grievance. The Human Resources representative will make efforts to partner with the grievant, supervisor and management to address and resolve the grievance. The purpose of the meeting will be to identify issues, gather information, develop possible solutions, encourage further discussions, and determine whether the grievance action is substantiated.

4. After participating in the meeting, the Human Resources representative shall within 5 days, respond in writing on the grievance form a decision that affirms, amends, or reverses the supervisor’s decision. A copy of the noted grievance form will be forwarded to the grievant, supervisor, manager and/or other levels of authority.

B. Appeal Board

1. If not satisfied with the written decision, the employee may, within five (5) working days of receipt of the decision, notify the Executive Director of Human Resources in writing of his/her desire to file an appeal to the Appeal Board.
2. The Executive Director for Human Resources or designee will forward copies of the written appeal request to the supervisor, manager and/or other levels of authority. The college dean or department director may continue to make efforts to resolve the grievance at any time prior to the Appeal Board hearing date set by Human Resources.

3. Upon receipt of the written appeal request, the Executive Director of Human Resources or designee will immediately begin the process of setting a hearing date with an Appeal Board panel. The hearing panel will consist of three (3) Appeal Board panelists.

4. The Executive Director of Human Resources or designee will facilitate the hearing.

   d. The purpose of the Appeal Panel is to ensure that the action of the supervisor or other person responsible for the grievable action was not arbitrary or unfair and was consistent with University policy and practice.

   e. The designated Human Resources Representative will facilitate the Appeal Panel hearing. The membership of the panel will be provided to the grievant and the grievant’s supervisor within five (5) working days of the receipt of the written appeal request by the designated Human Resources Representative. Both parties have the right to challenge one member of the Appeal Panel, and may be challenged for cause. This challenge should be submitted by the challenging party in writing by either party to the Executive Director of Human Resources or his/her designee within two (2) working days of the challenging party’s receipt of notice of the membership of the Appeal Panel. The Executive Director of Human Resources will determine the validity of the challenge. If the challenge is sustained then another member of the Appeal Board will be appointed to the Appeal Panel.

5. The Appeal Panel hearing will be conducted within a reasonable period after receipt of the grievant's written appeal request. The designated Executive Director of Human Resources Representative or designee will send a notice confirming the date, time, and place of the hearing to the grievant and members of the Appeal hearing panel no later than ten (10) working days prior to the hearing.

   g. During the C— Appeal Panel Board Hearing
The hearing shall be conducted in accordance with the following procedures:

1. All parties shall be afforded reasonable opportunity for oral opening and closing arguments and for presentation of relevant witnesses and pertinent documentary evidence.

2. The Appeal Panel shall have the right to question any and all witnesses, to examine documentary evidence presented and to summon other witnesses, as the Appeal Panel deems necessary. Witnesses shall not be present during the testimony of any party or other witness.

3. All parties shall have the right to advice of counsel of their choice; however, neither party may proceed through counsel.

4. The grievant and respondent shall provide the Executive Director of Human Resources with all documents to be used and relied on at the hearing, and with the name, address and phone number of counsel and witnesses no later than five (5) days prior to the date of the hearing. There will be a simultaneous exchange of this information between the parties, which will be facilitated by the Executive Director of Human Resources or designee prior to the date of the hearing. Any witnesses or advisors not listed will not be allowed to attend.

5. The date of the hearing must be adhered to except for unusual or extraordinary circumstances which must be presented in writing as soon as possible to the Executive Director of Human Resources.

6. At the conclusion of the hearing, the Appeal Panel shall deliberate in closed session.

7. The Appeal Panel members will convene to deliberate their findings and arrive at a majority decision as to whether to uphold or overturn the grievable action. The final decision shall be communicated to the Human Resources Representative who will communicate the final decision to the grievant and cabinet officer of that employee's division.

D. Cabinet Officer Action
1. Within five (5) working days from the receipt of the panel's decision, the Vice President or Cabinet Officer will take action on the recommendation. He or she may accept the recommendation of the panel, enter a decision different from that of the panel, or return the case to the panel with instructions to rehear the case, conduct further deliberations, or answer specific questions.

2. If the case requires further deliberation or rehearing, the Executive Director of Human Resources will establish new time schedules and communicate them to all members of the panel.

3. Otherwise, the Vice president or Cabinet officer will make a decision and forward it to the Executive Director of Human Resources, who will notify the employee by mailing copies of the decision by certified mail, return receipt requested, to the employee and the supervisor in writing upon receipt. This decision is final and concludes the formal institutional grievance procedure.

VI. When an employee files a grievance against a Cabinet Member/Vice President, the Executive Director of Human Resources may assign the final decision to another Cabinet Member/Vice President from outside the employee's division.

V. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice President for Finance

Review: Every three years, on or before August 3

VII. APPROVAL

Jim McShan
Interim Executive Vice President for Administration and Finance

Renu Khator
President

Date of President’s Approval: April 7, 2008

VIII. REFERENCES
Index Terms:  
- Appeal 
- Discrimination 
- Discipline 
- Dismissal 
- Grievance 
- Post Dismissal Appeal