

UNIVERSITY of HOUSTON
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Human Resources
AREA: Employee Relations

Number: 02.04.01

SUBJECT: Employee Grievances

I. PURPOSE AND SCOPE

This document describes the informal and formal processes for addressing non-faculty employee grievances handled by Human Resources.

Grievances based on allegations of discrimination are handled by the Office of Affirmative Action (OAA).

Guidelines governing faculty grievances are available in the [Faculty Handbook](#).

Intimidation, harassment, coercion or reprisal in any form against an employee for presenting the grievance or for aiding another employee in the presentation of that complaint 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.

II. DEFINITIONS

A. Cabinet Officer: Vice President or other top official reporting directly to the President and serving as a member of the President's Cabinet.

B. 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 to all university employees in regular positions.

- C. Grievance: A disagreement between an employee and management on the terms or conditions of employment. 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.
- 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.

III. INFORMAL GRIEVANCE PROCEDURE

- A. The informal procedure is available to all university employees, regardless of classification, hours worked or length of appointment.
- B. An employee may begin the procedure within five (5) working days of the occurrence of the action or inaction (or last of a series of actions or inactions) for which the employee feels aggrieved by requesting a meeting with his/her supervisor and informally discussing the issues and coming to an amicable understanding. Employees and supervisors should cooperate to resolve problems efficiently and informally. The Informal Grievance is intended as an initial dispute resolution phase before documenting a Formal Grievance. This 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 Process if he or she has first discussed the problem or issue with the supervisor and they are unable to resolve the grievance informally.

- C. The meeting shall take place within five (5) working days from the date of the request for the meeting. If the supervisor is not available during the five-day time frame, the next level supervisor in line will meet with the employee to discuss the complaint.
- D. If the employee's complaint is not resolved through informal discussions, either party may then request a confidential review by a Human Resources 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 review process, a regular employee may 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.

For grievances alleging discrimination, the employee must provide a written grievance to the OAA. The OAA may proceed with [Title IX](#) 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 grieved 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 process. The membership of the panel will be provided to the employee and the supervisor within five (5) working days and may be challenged for due cause in writing by either party to the Executive Director of Human Resources within two (2) working days. The Executive Director of Human Resources will determine the validity of the cause.
5. The Appeal Board hearing will be conducted within a reasonable period after receipt of the employee's written request. The Executive Director of Human Resources or designee will send a notice confirming the date, time, and place of the hearing to the employee and members of the hearing panel no later than ten (10) working days prior to the hearing.

C. Appeal 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 Board shall have the right to question any and all witnesses, to examine documentary evidence presented and to summon other witnesses, as the board 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 circumstances which must be reported in writing as soon as possible to the Executive Director of Human Resources.
6. At the conclusion of the hearing, the hearing board shall deliberate in closed session.
7. The Appeal Board panel members will convene to deliberate their findings and arrive at a majority decision. The final decision is communicated to the Human Resources facilitator who will have five (5) working days from the date of the hearing to submit the panel's decision to the 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. This decision is final and concludes the formal institutional grievance procedure.
4. 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 31

VI. APPROVAL

Jim McShan
Interim Vice President for Administration and Finance

Renu Khator
President

Date of President's Approval: April 7, 2008

VII. REFERENCES

UH System Administrative Memorandum [02.A.05 Employee Relations, Grievance and Appeal](#)

Index Terms: Appeal
Discrimination
Discipline
Dismissal
Grievance
Post Dismissal Appeal