

Approved by the Faculty Senate on April 1, 2011

EMPLOYEE GRIEVANCE PROCESS

I. Grievances

- A. For purposes of this Policy, grievances are complaints by employees of the University (except as described in I.E., I.F. and I.G below) relating to:
 1. Alleged wrongful termination or demotion;
 2. Disagreement regarding a work performance evaluation;
 3. Availability or amount of an employee benefit such as holidays, vacations, or sick leave; or
 4. Any other significant matters affecting terms or conditions of employment, including salary.
- B. The time limits described below may be extended by either the Provost or the Director of Human Resources, if extenuating circumstances, such as sickness or accident, should arise.
- C. The University will not tolerate any form of reprisal or punitive action for submitting or attempting to submit a grievance.
- D. The procedure outlined herein is an internal, administrative process. Neither external nor internal legal counsel for either party may be present at the meetings specified in the present document.
- E. Employees who are covered by the Collective Bargaining Agreement shall not be covered by this Policy.
- F. Matters involving harassment or discrimination must first be reported to and investigated by the Office of Diversity and Equal Opportunity before entering into the grievance process.
- G. This Policy applies to issues not addressed by the Faculty Personnel Guidelines Relating to Appointment, Promotion, and Tenure (APT) document. That document shall take precedence over any matters covered by this document. Faculty grievances may take one of the three tracks depending on the nature and content of the grievance.
 1. Grievance of an administrative decision or action not covered by the APT document – follow the Procedure for Grieving an Administrative Decision or Action
 2. Grievance regarding conflict between two faculty peers – follow the Procedure for Faculty Peer to Peer Grievance
 3. Grievance or complaint regarding a matter covered by the APT document – follow procedures in the APT document

II. Definitions

Grievant(s): the person(s) initiating the grievance. Hereafter, grievant (in the singular) will be used to designate one or more grievants.

Respondent(s): the person(s) alleged to have carried out the action or made the decision that is the subject of the grievance. Hereafter, respondent (in the singular) will be used to designate one or more respondents.

III. Procedures

Procedure for Grieving an Administrative Decision or Action

For a grievance by an employee other than a faculty member, the respondent is the employee's direct supervisor. For a grievance by a faculty member, the respondent is either the faculty member's direct supervisor (usually the department chair) or the lowest level administrator who has primary responsibility for the decision or action being grieved. In some cases, a faculty member may be uncertain which administrator has primary responsibility for an administrative decision or action. In such cases, the faculty member should seek the guidance of his or her direct supervisor in determining which administrator is primarily responsible and, therefore, should be the respondent.

A. Step One: Informal Resolution.

The grievant is strongly encouraged to discuss any complaint covered by this Policy with the respondent and make a concerted effort to resolve the complaint without relying on the formal process outlined below. The discussion should occur as soon as reasonably possible after the grievant learns of the disputed matter. If both parties to the grievance agree, an outside party such as a Human Resources representative, mediator, faculty colleague, or university administrator may be invited to mediate the discussion to assist in achieving conciliation.

B. Step Two: Written Grievance

If not satisfied with the results of the informal resolution, the grievant may submit a written grievance to the respondent. The grievance should contain a clear description of the issue(s) involved, any specific university policy or procedure involved, the relevant date(s) the action or decision that is being grieved took place, if known, and any relief being sought. If an informal discussion is not conducted as recommended in Step One above, the reason an informal discussion was not conducted must be given in the written grievance.

A copy of the written grievance and all subsequent written statements produced as a result of the grievance process, as described herein, must be filed with the Director of Human Resources.

A written grievance may be submitted no later than forty-five (45) calendar days from the date the grievant learns of the situation giving rise to the grievance. A pattern of actions or decisions reaching farther back in time may be included in a grievance, if the grievant learned of the most recent action or decision in the pattern within the past forty-five (45) calendar days.

The respondent shall respond to the grievance in writing within ten (10) working days of receipt of the grievance.

C. Step Three: Appeal

No appeal is possible if the respondent is the Chancellor. If the respondent is not the Chancellor and if the grievant is not satisfied with the respondent's written response, the grievant may appeal to the respondent's supervisor. An appeal must be in writing and must contain a reasonably detailed description of the issue(s) involved and any relief being sought. The appeal must also include, as attachments, the original written grievance from the grievant and the respondent's written response.

If the grievant is not a faculty member, the written appeal must be submitted to the respondent's supervisor within ten (10) working days from receipt of the respondent's written response.

If the grievant is a faculty member:

1. The grievant may solicit, at his or her discretion, the determination of the Faculty Review Committee (FRC) before submitting an appeal with the respondent's supervisor.
 - A. To solicit the determination of the FRC, the grievant must submit a written grievance to the FRC within ten (10) working days of the receipt of the respondent's written response. A grievance submitted to the FRC should contain a reasonably detailed description of the issue(s) involved and any relief being sought. A grievance submitted to the FRC must also include, as attachments, both the original written grievance and the respondent's written response. The FRC shall submit its determination to the grievant and respondent within twenty (20) working days of receipt of the grievance.
 - B. If the grievant submits an appeal of the respondent's written response after soliciting the determination of the FRC, the appeal to the respondent's supervisor must be submitted within ten (10) working days of receipt of the report of the FRC. The report of the FRC must be included as an attachment to any subsequent appeal.
 - C. If the FRC has not rendered its determination at the end of twenty (20) working days, the grievant may proceed, at his or her discretion, to submit an appeal to the respondent's supervisor.
2. To submit an appeal without soliciting the determination of the FRC, the grievant must submit the appeal to the respondent's supervisor within ten (10) working days of receipt of the respondent's written response.

The respondent's supervisor shall respond to the appeal in writing within ten (10) working days of the receipt of the appeal. If the FRC has rendered a determination, a copy of the supervisor's written response to the appeal shall be filed with the FRC.

D. Step Four: Final Resolution

If the respondent's supervisor is either the Provost or the Chancellor, the decision of the Provost or the Chancellor, or his or her designee, is final.

If the respondent's supervisor is neither the Provost nor the Chancellor and

1. if neither the Provost nor a Vice Chancellor is in the grievant's hierarchy of supervisors, the grievant may appeal the decision of the respondent's supervisor to the Chancellor. The decision of the Chancellor, or his or her designee, is final.
2. if the Provost is in the grievant's hierarchy of supervisors, the grievant may appeal the decision of the respondent's supervisor to the Provost. The decision of the Provost, or his or her designee, is final.
3. if a Vice Chancellor is in the grievant's hierarchy of supervisors and
 - a. if the Vice Chancellor is the respondent's supervisor, the grievant may appeal the decision of the respondent's supervisor to the Chancellor. The decision of the Chancellor, or his or her designee, is final.
 - b. if the Vice Chancellor is not the respondent's supervisor, the grievant may appeal the decision of the respondent's supervisor to the Vice Chancellor. The decision of the Vice Chancellor, or his or her designee, is final.

The appeal of the decision of the respondent's supervisor must be in writing and must include, as attachments, the original written grievance, the respondent's written response, the appeal submitted to the respondent's supervisor, and the response of the respondent's supervisor. For faculty, if the determination of the FRC was obtained, the appeal must include a copy of the grievance submitted to the FRC and the report of the FRC.

Procedure for Faculty Peer to Peer Grievance

The procedures in this section are reserved for a grievance between faculty members as peers rather than a grievance concerning an administrative action or decision. To the extent that a grievance may contain both of these types of claims the Faculty Peer to Peer process shall not be used to provide a second review of the same claim, and vice versa.

A. Step One: Informal Resolution

The grievant is strongly encouraged to discuss any complaint covered by this Policy with the respondent and make a concerted effort to resolve the complaint without relying on the formal process described below. The discussion should occur as soon as reasonably possible after the grievant learns of the disputed matter. If both parties to the grievance agree, an outside party such as a Human Resources representative, mediator, faculty colleague, or university administrator may be invited to mediate the discussion to assist in achieving conciliation.

B. Step Two: Written Grievance

If not satisfied with the results of the informal resolution, the grievant may submit a written grievance with the lowest level shared supervisor (LLSS) of the grievant and respondent. The grievance should contain a reasonably detailed description of the issue(s) involved and any relief being sought. If an informal discussion is not conducted

as recommended in Step One above, the reason an informal discussion was not conducted must be given in the written grievance.

A copy of the written grievance and all subsequent written statements produced as a result of the grievance process, as described herein, must be filed with the Director of Human Resources.

If the LLSS is not the Provost, a written grievance may be submitted no later than forty-five (45) calendar days from the date the grievant learns of the situation giving rise to the grievance. A pattern of actions or decisions reaching farther back in time may be included in a grievance, if the grievant learned of the most recent action or decision in the pattern within the past forty-five (45) calendar days.

If the LLSS is the Provost:

1. The grievant may solicit, at his or her discretion, the determination of the Faculty Review Committee (FRC) before submitting a written grievance to the LLSS.
 - A. To solicit the determination of the FRC, the grievant must submit a written grievance to the FRC within forty-five (45) calendar days from the date the grievant learns of the situation giving rise to the grievance. A pattern of actions or decisions reaching farther back in time may be included in a grievance, if the grievant learned of the most recent action or decision in the pattern within the past forty-five (45) calendar days. A grievance submitted to the FRC should contain a reasonably detailed description of the issue(s) involved, and any relief being sought. If an informal discussion is not conducted as recommended in Step One above, the reason an informal discussion was not conducted must be explained in the written grievance. The FRC shall submit its determination to the grievant and respondent within twenty (20) working days of receipt of the grievance.
 - B. If the grievant submits a written grievance to the Provost after soliciting the determination of the FRC, that written grievance must be submitted within ten (10) working days of receipt of the report of the FRC. The report of the FRC must be included as an attachment to the grievance submitted to the Provost.
 - C. If the FRC has not rendered its determination at the end of twenty (20) working days, the grievant may proceed, at his or her discretion, to submit a grievance to the Provost.
2. To submit a grievance without soliciting the determination of the FRC, the grievant must submit the grievance to the Provost within forty-five (45) calendar days from the date the grievant learns of the situation giving rise to the grievance. A pattern of actions or decisions reaching farther back in time may be included in a grievance, if the grievant learned of the most recent action or decision in the pattern within the past forty-five (45) calendar days.

The LLSS shall respond to the grievance in writing within ten (10) working days of receipt of the written grievance.

C. Step Three: Appeal

If either the grievant or the respondent is not satisfied with the LLSS's written response and if the LLSS is not the Provost, either the grievant or the respondent may appeal to the LLSS's supervisor. An appeal must be in writing and must contain a reasonably detailed description of the issue(s) involved and any relief being sought. The appeal must also include, as attachments, the original written grievance from the grievant and the LLSS's written response.

Either the grievant or respondent may solicit, at his or her discretion, the determination of the Faculty Review Committee (FRC) before submitting an appeal to the LLSS's supervisor.

1. A. To solicit the determination of the FRC, the grievant or respondent must submit a written grievance with the FRC within ten (10) working days of the receipt of the LLSS's written response. A grievance submitted to the FRC should contain a reasonably detailed description of the issue(s) involved and any relief being sought. A grievance submitted to the FRC must also include, as attachments, both the original written grievance and the LLSS's written response. The FRC shall submit its determination to the grievant, respondent, and LLSS within twenty (20) working days of receipt of the grievance.
 - B. If either the grievant or the respondent submits an appeal of the LLSS's written response after the determination of the FRC has been obtained, the appeal to the LLSS's supervisor must be submitted within ten (10) working days of receipt of the report of the FRC. The report of the FRC must be included as an attachment to any subsequent appeal.
 - C. If at the end of twenty (20) working days, the FRC has not rendered its determination, either the grievant or the respondent may proceed, at their discretion, to submit an appeal to the LLSS's supervisor.
2. If the determination of the FRC has not been solicited by either the grievant or the respondent, either the grievant or the respondent may submit an appeal to the LLSS's supervisor but must do so within fifteen (15) working days of receipt of the LLSS's written response.

The LLSS's supervisor shall respond to the appeal in writing within ten (10) working days of receipt of the appeal. If the FRC has rendered a determination, a copy of the written response of the LLSS's supervisor to the appeal shall be filed with the FRC.

D. Step Four: Final Resolution

If the LLSS or the LLSS's supervisor is the Provost, the decision of the Provost, or his or her designee, is final.

If neither the LLSS nor the LLSS's supervisor is the Provost, either the grievant or the respondent may appeal the decision of the LLSS's supervisor to the Provost. An appeal to the Provost must be in writing and must include, as attachments, the original written grievance and the written response of the LLSS, the appeal to the LLSS's supervisor, and the written response of the LLSS's supervisor to the appeal. If the determination of the FRC was obtained, the appeal to the Provost must include a copy of the grievance submitted to the FRC and the report of the FRC. The decision by the Provost, or his or her designee, is final.

Procedures for matters covered by the Faculty Guidelines Relating to Appointment, Promotion, and Tenure

The procedures in the APT document should be followed.