I. Purpose and Scope

On occasion employees may have a personal grievance regarding:

- An alleged violation, misinterpretation or improper application of University policies and procedures; or,
- Alleged discrimination based upon race, color, gender, age, religion, national origin, disability status or sexual orientation.

II. Policy

1. An employee may present a formal disagreement/complaint without fear of retaliation or reprisal. Any employee who fails to follow the disagreement/complaint procedure as outlined in this policy shall lose the right to pursue the disagreement/complaint and the grievance will be dismissed.

2. The Director of Human Resources is available to assist employees and management at both the informal and formal levels of this procedure.

III. Procedure

A. Informal Grievance Procedures

1. An employee who has a disagreement/complaint should first seek a resolution by discussing the claim with the supervisor/department head as appropriate. Most concerns
and problems can be resolved at this step. However, if the claim cannot be resolved informally, the employee may proceed in filing a formal complaint.

B. Formal Grievance Procedures

1. First Step: Immediate Supervisor/Department Head Level
   a. The affected employee should submit written notice of the grievance to his/her supervisor/department head within ten (10) working days of the grievable action taking place. The notice should describe the specific complaint; facts in support of the employee’s claim; the specific policy, procedure, or work rule claimed to be violated, misinterpreted or misapplied; and the specific relief or solution being requested.
   b. Upon receipt of a written grievance, the supervisor/department head shall consider the facts, circumstances, and relief requested by the employee. The supervisor/department head must respond in writing within five (5) working days of the receipt of the written grievance either granting, denying, or proposing modification to the requested relief.
   c. The supervisor/department head’s response shall also include notice of the employee’s right to the second step of the disagreement/complaint resolution procedures.

2. Second Step: Dean/Director Level
   a. If the first step response is unsatisfactory to the affected employee, he/she may submit a notice of disagreement within five (5) working days of the receipt of the first step response. The notice must be in writing and should be submitted to the appropriate dean/director. The second step notice must state the specific complaint; facts in support of the employee’s disagreement; the specific policy, procedure, or work rule claimed to be violated, misinterpreted or misapplied; and the specific relief or solution being requested, and should include a copy of the supervisor/department head’s response.
   b. The dean/director shall consider the facts and circumstances of the grievance and gather any additional information deemed necessary. The dean/director shall respond in writing within five (5) working days of the receipt of the written disagreement/complaint either granting, denying, or proposing modification to the requested relief. The dean/director’s response shall also include notice of the employee’s right to the third step of the grievance resolution procedures.

3. Third Step: Vice President Level
   a. If the second step response is unsatisfactory to the affected employee, he/she may submit a third step notice of disagreement within five (5) working days of receipt of the dean/director’s response. The notice must be in writing and submitted to the appropriate vice president. The third step notice must state the specific policy, procedure, or work rule claimed to be violated, misinterpreted or misapplied, and the specific relief or solution being requested, and should include a copy of the
dean/director’s response.

b. The vice president shall consider the facts and circumstances of the grievance and gather any additional information deemed necessary. The vice president shall respond in writing within ten (10) working days of the receipt of the written disagreement/complaint either granting, denying, or proposing modification to the requested relief. The vice president's response shall also include notice of the employee's right to the fourth step of the disagreement/complaint resolution procedures.

4. Fourth Step: Director of Human Resources Investigation and Review

a. If the third step response is unsatisfactory to the affected employee, he/she may submit a fourth step notice of disagreement to the Director of Human Resources within five (5) working days of receipt of the vice president’s response. The notice must be in writing and should include a copy of the vice president’s response. The Director of Human Resources shall consider the facts and circumstances of the grievance and gather any additional information deemed necessary. If the Director of Human Resources agrees with the third step response, the employee shall be notified of such. If the Director of Human Resources disagrees with the third step response and determines that the employee's claim has merit, the Director of Human Resources will work through the appropriate administrative channels to resolve the matter.

b. The Director of Human Resources shall provide findings and a determination to the affected employee and the appropriate University officials within ten (10) working days of receipt of the employee's disagreement with the third step response. The Director of Human Resources' response shall also include notice of the employee's right to the final step of the grievance resolution procedures.

5. Final Step: University President/Grievance Committee

a. If the fourth step response is unsatisfactory to the affected employee, he/she may submit a final step notice of disagreement to the University President within five (5) working days of receipt of the Director of Human Resources' response. The notice must be in writing and shall include a copy of the Director of Human Resources’ response. The notice must state the specific policy, procedure, or work rule claimed to be violated, misinterpreted or misapplied, and the specific relief or solution being requested.

b. The University President may elect to make a final decision or refer the matter to an impartial Grievance Committee for their review and recommendation.

c. Grievance Committee Member Appointments: The employee shall be provided with an opportunity to submit written objections within a specific time period to the appointment of any Committee member(s) on the basis of that member’s inability to act impartially. If the President determines that a Committee member cannot act impartially, then an alternate appointment shall be made. The Committee shall be appointed in a timely manner, considering all relevant circumstances. The President's decision regarding Committee appointments is final.
d. Hearing/Committee Recommendation: The Committee may review only the written record of the grievance and render a recommendation thereon.

e. In the alternative, the Committee may elect to conduct a formal hearing and allow individuals involved in the grievance process to present information which, in the Committee’s discretion, is relevant to the resolution of the issue. In the event a hearing is conducted, the Committee shall have sole discretion regarding the personal appearance of any person(s) and any other matter regarding the conduct of the hearing. The hearing will not be considered a judicial hearing but rather an internal hearing. Legal counsel will not be permitted to be present during any part of the Committee hearing. The formal hearing shall be audio taped and transcribed.

f. The Committee’s deliberations shall be closed to all persons other than the Committee members and shall not be audio taped. Its recommendation will be determined by a majority vote, made in writing, and delivered to the President. It may be accompanied by a minority opinion. The appeal will be conducted and completed in an expeditious manner, considering all the circumstances.

g. President’s Review and Recommendation: The President shall review the recommendation and may either affirm, amend, or return the recommendation for further deliberation and recommendation by the Committee. The President’s review and decision will be conducted in an expeditious manner, considering all the circumstances, shall be a final decision, and will be reported in writing to the complainant, person accused, the supervisor, and the investigator.

h. In addition to notifying his/her supervisor/department head of the grievance,

1. The employee shall also notify the Equal Opportunity/ADA Compliance Office regarding any grievance alleging discrimination on the basis of race, color, gender, age, religion, national origin, disability status, or sexual orientation. Grievances alleging these issues will be addressed under the procedure outlined in this policy.

IV. Exclusions

1. Complaints alleging sexual harassment shall be investigated and resolved pursuant to the University’s Policy Against Sexual Harassment and are not subject to this procedure. In addition, the following matters are not grievable and therefore not eligible under grievance procedures:

   a. The content of policies and procedures

   b. The methods, means, and workforce (staffing levels) necessary to carry out work activities in a particular unit or department

   c. position classifications

   d. organizational structure changes

   e. performance appraisals
1. recommendations concerning suspension, dismissal, layoff, position abolition

2. The above matters are subject only to review through appropriate administrative channels, and will not be reviewed through this procedure.

V. Related Policies

See also:

VI. Reason for Revision

Appendices: