



## **POLICY MANUAL**

### **GENERAL**

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**Number 325**

**Subject: Employment Grievance Procedures**

**Covered Employees: Professional and Classified Employees**

**Date of Origin: January 24, 1997**

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#### **325.1 POLICY**

The University embraces the philosophy of fair and equitable treatment of all Utah State University employees. Grievance procedures have been developed to assist employees in resolving problems. Employees will not be subject to intimidation or other negative treatment for initiating a grievance review.

Staff employees should attempt to resolve all grievances informally through their immediate supervisors or the next level of supervision. The formal review process should be used only when an employee has not received satisfactory resolution of his/her problem through informal methods.

The Office of Human Resources serves as an advisor for procedural questions and will coordinate the grievance process to ensure time limits and procedures are followed according to the policy.

Employees will be given reasonable time off with pay during scheduled working hours to participate in the grievance process.

If any steps in this policy are impractical for any reason, a representative of the Office of Human Resources will suggest an alternative process which, to the extent possible, will assure the grieving employee fair and adequate consideration of the problem or complaint.

Problems or complaints involving discrimination on the basis of race, color, religion, sex, national origin, age, disability, veteran's status, or sexual orientation are to be processed under the Discrimination Complaint Policy (305).

The formal procedures of this policy are not available to at-will employees.

## **325.2 PROCEDURES**

### **2.1 General**

Employees should discuss and attempt to resolve problems or complaints with their immediate supervisor or the next higher level of supervision. Employees and supervisors are encouraged to confidentially discuss any employment problems or questions pertaining to personnel policy and practice with the Office of Human Resources.

An employee whose complaint remains unresolved may file a grievance as described below.

### **2.2 Formal Procedures**

(1) To initiate the formal grievance procedure, the employee must submit a written explanation of his/her complaints and a description of the completed informal procedure, including supervisory/management responses, to the Director of the Office of Human Resources within 90 days of the incident or issue.

(2) Within 7 working days of receiving the written grievance, the Director of the Office of Human Resources or his/her representative will coordinate the formation of a Hearing Committee, comprised of two professional employees appointed by the President of the Professional Employees Association, two classified employees appointed by the President of the Classified Employees Association, and one administrative representative appointed by the University President.

The chair of the Hearing Committee will be one of the representatives on the Hearing Committee from the employee group to which the grieving employee belongs (professional or classified) and will be named by the president of that employee group.

The Director of the Office of Human Resources will distribute copies of the written grievance to the Hearing Committee and any parties mentioned or involved in the grievance.

(3) Within 20 days of distributing the grievance, the Hearing Committee will hold a meeting with the employee, the person against whom the complaint is made, and any other witnesses or relevant parties. All parties have the right to be present during any oral statements considered by the committee and have access to any and all relevant information presented. Each side will present its perspective, which may include statements from relevant persons, and submit any information that supports its claim. Each party shall also have the right to confront and cross-examine witnesses, to present evidence and call witnesses in his or her own behalf, and to testify. Committee members have the right to ask questions during the meeting. The Director of the Office of Human

Resources or his/her designated representative will act as an impartial coordinator of the meeting, to ensure that all procedures are followed appropriately.

(4) Each party to the grievance has the right to have present any one person as an adviser of his or her choice at all stages of the hearing. Advisors and counsels are permitted to advise and counsel their respective parties but are not permitted to argue the case or interrogate witnesses.

(5) Within 14 calendar days after the meeting, the Hearing Committee will prepare and submit to the President of the University a written summary of the hearing, including any arguments submitted by the parties and a recommended solution.

(6) Within 10 working days of receiving the findings and recommendation, the President of the University will either:

(a) ratify the Hearing Committee's findings and conclusions;

(b) return the report to the Hearing Committee for reconsideration or clarification, in which case the Hearing Committee will reconvene and review the case. Within 15 working days, the Committee will review the case, resubmit a recommendation to the President, and the President will render a final decision; or

(c) reject all or parts of the Hearing Committee's findings and conclusions, with stated reasons.

The President's decision will be final and binding. A written copy of this decision will be submitted by the President's Office within 10 days of receiving the Hearing Committee's report to the Office of Human Resources, the employee with the grievance, the person against whom the complaint was made, the immediate supervisors, the chief officer of the relevant employee association, the chair of the grievance committee, and any relevant department heads.

### **325.3 RESPONSIBILITY**

#### **3.1 Department Heads, Supervisors, Deans, or Vice Presidents**

Responsible for using the procedures outlined in this policy to address informal grievance issues with employees. In situations where formal grievance procedures are necessary, department heads, supervisors, deans or vice presidents are responsible for complying with all procedures outlined and cooperating with the Hearing Committee to resolve the issue.

#### **3.2 Office of Human Resources**

Responsible for communicating the University's philosophy of fair and equitable treatment of all employees through the grievance policy. The Office of Human Resources

will assist supervisors and employees in implementing this policy and act as the coordinator of the formal procedure.

### **3.3 Hearing Committee**

Responsible for evaluating all formal grievances and for meeting with the employee or other relevant parties to determine how to resolve the issue. The Hearing Committee will provide their findings and recommendations in writing to the President of the University.

### **3.4 University President**

Responsible for appointing an administrative member to the Hearing Committee and for making a final decision after reviewing the findings and recommendations from the Hearing Committee.

### **3.5 Employees**

Responsible to work closely with supervisors to resolve grievances informally, if possible. If formal grievance procedures are necessary, employees are responsible for following all procedures according to this policy.