

Policy 3006: Staff Employee Grievance

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EXECUTIVE SUMMARY

USU Policy: 3006: Staff Employee Grievance Process

Category: Human Resources

Subcategory: Rights & Responsibilities

Covered Individuals: Benefit-Eligible Staff Employees

Responsible Executive: Vice President and Chief of Staff

Policy Custodian: Office of Human Resources, SR. Assoc. VP of HR

For each section below, summarize the highlights of the new policy using the suggested questions as guidelines.

BACKGROUND:

This policy is being updated in accordance with changes made to UBHE Rule 831: Non-Faculty Employee Grievance Process.

KEY PROVISIONS OF THE NEW/REVISED POLICY:

Rule 831 sets minimum grievance process requirements for non-faculty employees who are demoted or terminated from their employment. The revised policy also requires all testimony at a grievance hearing be given under oath.

Other disciplinary actions will be handled in accordance with USU Policy 3001: Setting Expectations and Managing Performance.

- Removes procedural information from the policy and establishes 3006-PR1: Staff Grievance Hearing Procedures
- Differentiates between the type of employment actions eligible for a hearing
- Clarifies the referral process for other university processes
- Clearly states expectations for employees participating in a hearing
- Defines the standard of review for hearings (arbitrary and capricious)
- Clarifies the available outcomes of a hearing
- Organizes content in bullet list structure
- Simplifies language to increase overall readability

IMPLEMENTATION PLAN:

Leadership training will be updated to reflect this change in policy and process. Legal and HR will continue to educate grievance hearing panels and support them during the process.

Publication of the revised Policy 3006 will adhere to the structured policy lifecycle defined in USU Policy 1001 and its associated procedures to promote consistency, transparency, and principles of shared governance.

Upon final approval, Policy 3006 will be published in the USU Policy Library to ensure accessibility to all University stakeholders. The Policy Office will disseminate announcements through official University channels, including an email listserv and the MyUSU portal. The Office of Human Resources will utilize current channels of communication (e.g., the Memo, training, website).

As outlined in USU Policy 1001, this policy will be reviewed on a 3-year cycle to continue to ensure USU remains in compliance. Additionally, feedback on Policy 3006 may be submitted on the USU Policy Office website at any time, regardless of the review cycle.

University Policy 3006: Staff Employee Grievance Process

Category: Human Resources

Subcategory: Rights & Responsibilities

Covered Individuals: Benefit-Eligible Staff Employees

Responsible Executive: Vice President and Chief of Staff

Policy Custodian: Office of Human Resources, Sr. Associate Vice President of Human Resources

Last Revised: 2026/MM/DD

Previous USU Policy Number: 325

3006.1 PURPOSE AND SCOPE

This Policy outlines the formal review process for benefit-eligible staff employees to contest certain employment actions. Utah State University (USU) strives to resolve concerns at the lowest appropriate level, address issues promptly, and apply policies fairly and consistently. All USU employees should be treated respectfully and equitably (See [USU Policy 3002: Respectful Workplace](#)).

The grievance process described in this Policy covers contested [Demotions and Terminations](#), as defined in this Policy. The process for contesting other disciplinary actions is handled through the administrative review process outlined in [USU Policy 3001: Setting Expectations and Managing Performance](#).

Employment concerns not expressly covered under this Policy and related to discrimination or sexual misconduct will be referred to the Civil Rights & Title IX Office for processing. However, findings from their processes that result in Demotion or Termination may be grieved under this policy.

Likewise, if a [Grievance](#) raises issues related to safety concerns, respectful workplace, Environmental Health and Safety (EHS), or other compliance areas, the Office of Human Resources (HR) will refer those issues to the appropriate University office for review and handling. HR may pause or close a Grievance if the contested action falls outside the scope of this Policy or is more appropriately addressed through another University office, policy, or process.

3006.2 POLICY

2.1 General Principles Governing Grievance Process

- a) Employees are expected to raise general employment concerns promptly. Employees should first attempt to resolve concerns informally with their immediate supervisor or the next higher level of supervision. (See USU Policy 3001: Setting Expectations and Managing Performance and USU Policy 3002: Respectful Workplace).
- b) Employees are expected to participate in the grievance process in good faith through honest and timely process engagement, providing accurate information, and cooperation. Employees must not misuse the grievance process by filing false claims or intentionally delaying the grievance process.
- c) The grievance process is not intended to replace day-to-day management, performance management, or supervisory decision making and does not limit or restrict a supervisor's authority to address performance, misconduct, or other workplace-related concerns.

- d) USU may make operational and personnel decisions, as long as such decisions are not [Arbitrary or Capricious](#) and follow applicable policies and laws.

2.2 Eligibility and Filing Requirements

2.2.1 Eligibility

Benefit-eligible staff employees are able to file Grievances under this Policy. This Policy does not apply to at-will personnel or benefit-eligible staff employees who are still in their introductory period of employment (See [USU Policy 3305: Employment-at-Will](#) and [USU Policy 3307: Introductory Period of Employment](#)). Faculty may file grievances in accordance with [USU Policy 4006: Academic Due Process: Sanctions and Hearing Procedures](#).

2.2.2 Filing Requirements

To file a Grievance under this Policy, the staff employee must submit written documentation to the Senior Associate Vice President of Human Resources within 5 (five) business days of the contested action. The Grievance documentation should include the following:

- a description of the action(s) being challenged;
- a description of the informal efforts attempted to resolve the action, including supervisory responses;
- the date(s) of the action;
- the specific policy or procedure allegedly violated; and
- the requested outcome.

2.3 Initial Review

2.3.1 Review by the Senior Associate Vice President of Human Resources

The Senior Associate Vice President of Human Resources (Sr. AVP of HR) or designee will determine if the Grievance:

- falls within the scope of this Policy;
- meets filing requirements;
- needs to be referred to another office (see Section 3006.1);
- will be dismissed; or
- will proceed under the grievance process.

2.4 The Grievance Process

2.4.1 Grievance Hearing

Grievances contesting Demotion or Termination will be addressed through a [Grievance Hearing](#), wherein a Grievance Hearing Committee will determine whether the contested action was Arbitrary or Capricious.

2.4.2 General Grievance Hearing Procedures

This section outlines the general principles that govern a Grievance Hearing. For detailed hearing procedures, see 3006-PR1: Staff Grievance Hearing Procedures.

Grievance Hearings will:

- Be conducted by a Grievance Hearing Committee.
- Allow each party to present relevant information and evidence.
- Require all testimony at a Grievance Hearing to be given under oath.
- Be conducted in a manner that promotes fairness, impartiality, and efficiency.
- Require all parties to comply with the deadlines set forth in 3006-PR1: Staff Grievance Hearing Procedures.

- Not be delayed for convenience, scheduling preferences, or strategic purposes. Extensions may only be approved by the Office of Human Resources in consultation with the Office of General Counsel and will only be permitted when supported by documented [Extenuating Circumstances](#).

2.4.3 Important Limitations

Hearings are not delayed due to the grievant's involvement, initiation, or participation in other pending University processes.

If allegations related to discrimination, sexual misconduct, or other issues not covered by this Policy arise at any point during the grievance process, those allegations will not be addressed with the Grievance Hearing Committee and instead will be referred to the appropriate University office for review and handling (See Section 3006.1).

2.5 Filing Deadline

A benefit-eligible staff employee must file the Grievance within 5 (five) business days of the contested employment action. For more information on Grievance Process deadlines, see 3006-PR1: Staff Grievance Hearing Procedures.

2.6 Standard of Review

All Grievance decisions referenced in this Policy use the following Arbitrary and Capricious Standard:

Arbitrary and capricious means doing something according to one's will or whim (as in a sudden unpredictable change). An action or decision is arbitrary if it is not supported by logic or the necessary facts, or if it is made in the absence of decision-making criteria consistent with USU policy and procedures. An action or decision is capricious if it is adopted without thought or reason or is irrational.

Disagreement with a decision does not mean the action was Arbitrary or Capricious. A contested action will only be reversed if it is found to be Arbitrary and Capricious. Otherwise, the contested action or decision will stand.

The staff employee grieving the contested action bears the burden of proof.

2.7 Outcomes

The only available outcome under this grievance process is the reversal of the action, resulting in reinstatement to the same level and conditions of employment. Alternative outcomes (e.g., monetary damages, punitive measures, or policy changes) are not available through this grievance process.

2.8 Final Decision

Following the Grievance Hearing, the Grievance Hearing Committee will prepare and submit its recommendation to the President. The President will provide a decision. The President's decision will be final and binding. For additional details regarding this process, see 3006-PR1: Staff Grievance Hearing Procedures.

3006.3 RESPONSIBILITIES

3.1 Supervisors

- Set expectations with employees in accordance with USU Policy 3001: Setting Expectations and Managing Performance.
- Work to resolve employee performance issues or concerns at the lowest level in a fair and equitable manner.
- Participate in providing relevant information during the grievance process when all informal efforts have

not resolved the issue(s).

3.2 Office of Human Resources

- Support supervisors and employees during performance management efforts.
- Receive grievances from eligible employees, review for applicability, and administer and process grievances in accordance with established policy and procedures.

3.3 Grievance Hearing Committee

- Review applicable grievances.
- Conduct fair and impartial hearings ensuring respect and equity in the process.
- Consult with the Office of General Counsel and Office of Human Resources as needed to clarify policy or procedural questions.
- Issue a determination to the President for final review.

3.4 Employees

- Coordinate with supervisors as part of performance expectations setting processes.
- Work to resolve concerns, questions, or issues quickly and informally with supervisors where possible.
- When choosing to file a grievance, file timely and participate fully in the process with Human Resources and the Grievance Hearing Committee in accordance with established policy and procedures.

3006.4 REFERENCES

- [Utah Code Ann. § 53H-3-902, et seq.](#)
- [Utah Code Ann. § 67-21-3, et seq.](#)
- [USHE R831, Non-Faculty Employee Grievance Process](#)

3006.5 RELATED USU POLICIES

- [Interim Policy 2101: Discrimination Based on Protected Characteristics](#)
- [Interim Policy 2102: Title IX Sexual Misconduct in an Employment or Education Program or Activity](#)
- [Interim Policy 2103: Non-Title IX Sexual Misconduct](#)
- [Policy 3001: Setting Expectations and Managing Performance](#)
- [Policy 3002: Respectful Workplace](#)
- [Policy 3305: Employment-at-Will](#)

3006.6 DEFINITIONS

- **Arbitrary and Capricious Standard.** Means doing something according to one's will or whim (as in sudden, unpredictable change). An action or decision is arbitrary if it is not supported by logic or the necessary facts, or it is made in the absence of decision-making criteria consistent with USU policy and procedures. An action or decision is capricious if it is adopted without thought or reason, or is irrational.
- **Demotion.** A disciplinary action resulting in a reduction of a staff employee's current actual wage.
- **Extenuating Circumstances.** Documented and compelling reasons outside a party's control that justify deviation from established timelines.
- **Grievance.** A written request for review of a contested employment action limited to Demotion or Termination as defined under this policy.
- **Grievance Hearing.** Review conducted by a Grievance Hearing Committee. Available for Grievances challenging a Demotion or Termination.
- **Termination.** For the purpose of this Policy, a dismissal or a reduction in force (as defined in [USU Policy](#)).

[3309: Reduction in Force](#)) of a USHE (Utah Systems of Higher Education) institution benefit-eligible staff employee.

Information below is not included as part of the contents of the official policy. It is provided only as a convenience for readers/users and may be changed at any time by persons authorized by the president.

RESOURCES

Procedures

- [3006-PR1: Staff Grievance Hearing Procedures](#)
- [Title IX Procedures](#)
- [ADA Accommodations Processes](#)

Contacts

- [Doug Bullock](#)
Sr. Associate Vice President of Human Resources

POLICY HISTORY

Original issue date: 1997/01/24

Last review date: [2026/MM/DD](#)

Next scheduled review date: 2029/06/01

Previous revision dates: 1997/01/24, 2010/03/26, 2022/10/14



University Policy 3006: Staff Employee Grievance Process

Category: Human Resources

Subcategory: Rights & Responsibilities

Covered Individuals: Benefit-Eligible, Staff Employees

Responsible Executive: ~~Executive~~ Vice President and Chief ~~Operating Officer~~ of Staff

Policy Custodian: Office of Human Resources, Sr. Associate Vice President of Human Resources

Last Revised: ~~2022/10/14~~ 2026/MM/DD

Previous USU Policy Number: 325: ~~Staff Employee Grievance~~

3006.1 PURPOSE AND SCOPE

~~Utah State University (USU) embraces the philosophy of fair, respectful, and equitable treatment for all university employees (USU This Policy 3002: Respectful Workplace). This grievance policy provides benefit-eligible, staff employees a outlines the formal review process for adverse benefit-eligible staff employees to contest certain employment actions taken against them when informal attempts. Utah State University (USU) strives to resolve concerns at the lowest appropriate level, address issues promptly, and apply policies fairly and consistently. All USU employees should be treated respectfully and equitably (See USU Policy 3002: Respectful Workplace).~~

The grievance process described in this Policy covers contested Demotions and Terminations, as defined in this Policy. The process for contesting other disciplinary actions is handled through the administrative review process outlined in USU Policy 3001: Setting Expectations and Managing Performance~~complaints have.~~

Employment concerns not achieved a satisfactory expressly covered under this Policy and related to discrimination or sexual misconduct will be referred to the Civil Rights & Title IX Office for processing. However, findings from their processes that result in Demotion or Termination may be grieved under this policy.

Likewise, if a Grievance 3006.2 raises issues related to safety concerns, respectful workplace, Environmental Health and Safety (EHS), or other compliance areas, the Office of Human Resources (HR) will refer those issues to the appropriate University office for review and handling. HR may pause or close a Grievance if the contested action falls outside the scope of this Policy or is more appropriately addressed through another University office, policy, or process.

3006.2 POLICY

~~2.1—Eligibility and Filing~~ General Principles Governing Grievance Process

~~Benefit-eligible staff employees may file grievances under this policy. Faculty and at will personnel (USU Policy 3305: Employment at Will) are not eligible to file grievances under this policy.~~

~~However, before filing a grievance, staff employees are required to make the best efforts and~~

a) Employees are expected to raise general employment concerns promptly. Employees should first attempt

to resolve ~~problems or complaints~~concerns informally with their immediate supervisor or the next higher level of supervision. ~~Only when the staff employee has not received satisfactory resolution of his/her problem through informal methods should this formal review process be used as outlined in section 2.3.4. Only adverse actions, as defined in this policy, are eligible for review. The Office of Human Resources is available to consult with supervisors and/or staff employee regarding employment issues or concerns where needed. Allegations of discrimination in violation of (See USU Policy 2100: Affirmative Action/Equal Opportunity or Policy 2101: Discrimination based on Protected Characteristics, 3001: Setting Expectations and Managing Performance and allegations related to Sexual Misconduct in violation of Policies 2102 or 2103 must be processed under their respective policies, and such allegations are ineligible for this formal review process. The Office of Human Resources and/or the Grievance committee shall refer the party who is presenting such allegations to the Civil Rights and Title IX Office. Allegations of abusive conduct in violation of USU Policy 3002: Respectful Workplace shall be referred to and administered by the Office of Human Resources. Furthermore, a grievance hearing committee will not consider such allegations if presented during the formal review process.)~~

~~Grievances must be filed within the timelines set forth below in section 2.3.4. Grievances filed outside the applicable timeframe are ineligible for review by a grievance hearing committee.~~

b) Employees are expected to participate in the grievance process in good faith through honest and timely process engagement, providing accurate information, and cooperation. Employees must not misuse the grievance process by filing false claims or intentionally delaying the grievance process.

c) The grievance process is not intended to replace day-to-day management, performance management, or supervisory decision making and does not limit or restrict a supervisor's authority to address performance, misconduct, or other workplace-related concerns. USU may make operational and personnel decisions, as long as such decisions are not Arbitrary or Capricious and follow applicable policies and laws.

d) USU may make operational and personnel decisions, as long as such decisions are not Arbitrary or Capricious and follow applicable policies and laws.

2.2—Prohibited Acts Eligibility and Filing Requirements

~~Any action where the primary purpose is to discourage an individual from filing a grievance or from participating in the formal review process, is prohibited. Likewise, taking adverse action towards an employee or participant who has filed or participated in the formal review process is prohibited.~~

2.2.1 Eligibility

Benefit-eligible staff employees are able to file Grievances under this Policy. This Policy does not apply to at-will personnel or benefit-eligible staff employees who are still in their introductory period of employment (See USU Policy 3305: Employment-at-Will and USU Policy 3307: Introductory Period of Employment). Faculty may file grievances in accordance with USU Policy 4006: Academic Due Process: Sanctions and Hearing Procedures.

2.2.2 Filing Requirements

To file a Grievance under this Policy, the staff employee must submit a written ~~explanation of his/her complaint~~ documentation to the Senior Associate Vice President of Human Resources within 5 (five) business days of the contested action. The Grievance documentation should include the following:

- a description of the informal efforts attempted to resolve the action, including supervisory responses;
- the date(s) of the action;
- the specific policy or procedure allegedly violated; and
- the requested outcome.

~~2.3—Grievance Process~~ Initial Review

~~2.3.1—Administrator and Coordinator~~ Review by the Senior Associate Vice President of Human Resources

~~The Office of Human Resources serves as the administrator and coordinator for 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 staff employee fair and adequate consideration of the problem or complaint.~~

The Senior Associate Vice President of Human Resources (Sr. AVP of HR) or designee will determine if the Grievance:

- falls within the scope of this Policy;
- meets filing requirements;
- needs to be referred to another office (see Section 3006.1);
- will be dismissed; or
- will proceed under the grievance process.

~~2.3.2—Advisor~~

~~The Office of General Counsel, or its designee, serves as the legal advisor to grievance hearing committees.~~

~~2.3.3—Reasonable Time Off~~

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

~~2.3.4—Process Steps and Timelines~~

- ~~(1) To initiate a formal grievance, the staff employee must submit a written explanation of her/her complaint(s) and a description of the informal efforts attempted to resolve the complaint(s), including supervisory/management responses, to the Associate Vice President of Human Resources within 60 calendar days of the incident or issue. Grievances regarding involuntary termination will be handled under USU Policy 3310: Termination of Exempt and Non-exempt Staff, and must be filed within 30 days from the date of the incident or issue which led to the dismissal.~~

- ~~(2) The complainant must specify the adverse action taken against them and what university policy was violated through the adverse action.~~

- ~~(3) Within five (5) working days of receiving the written grievance, the Associate Vice President of Human Resources, or his/her representative, will coordinate the formation of a Grievance Hearing Committee, hereafter referred to as 'the Committee', comprised of three (3) staff employees appointed by the USU Staff Employee Association (SEA) president. The chair of the Committee will be one of the representatives on the Committee from the employee group to which the complainant belongs (exempt or non-exempt) and will be named by the USU SEA president. No member of the Committee may be in the same department or have a conflict of interest to any party of the grievance.~~

- ~~(4) The Associate Vice President of Human Resources—or their representative—will provide a formal notice of the hearing (with the date, time, and procedures) to involved parties; they will distribute grievance-related documents to the Committee and any other relevant parties.~~

- ~~(5) Within 15 working days of distributing the grievance documents, the Committee will hold a hearing with the grieving staff employee, the employee 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 relevant information presented.~~

(6) ~~Each side will be provided time to present opening and closing statements, and submit any information that supports their claim. Parties are responsible for providing and explaining relevant evidence to the Committee. The Committee may elect to not review evidence that is unexplained or appears irrelevant.~~

(7) ~~Each party shall have the right to question witnesses. Committee members have the right to ask questions during the hearing. The Committee chair will determine if a particular line of questioning is relevant.~~

(8) ~~Each party is responsible for providing their own witnesses. It is within the discretion of the Committee to deny hearing from a witness who has duplicate or non-relevant information.~~

(9) ~~Each party has the right to have present any one person as an advisor of their choice throughout the hearing. Advisors are permitted to advise and counsel their respective parties but are not permitted to argue the case or question witnesses.~~

(10) ~~Within 10 working days after the meeting, the Committee will prepare and submit to the university president a written summary of the hearing. This summary will include their determination of whether adverse action occurred against the complainant, and if so, which university policy was violated. A courtesy copy of the Committee's decision will be provided to each party.~~

(11) ~~Within 10 working days of receiving the written summary, the university president will complete one of the following:~~

a. ~~_____ Ratify the Committee's determination.~~

b. ~~_____ Return the written summary to the Committee for reconsideration or clarification. The Committee will reconvene and review the case within 15 working days, and resubmit a recommendation to the president, who will then render a final decision within 10 working days.~~

c. ~~_____ Reject the determination of the Committee, with stated reasons.~~

~~The president's decision will be final and binding. The president's office will then submit a copy of the written final decision to: the Office of Human Resources, the staff employee with the grievance, the employee against whom the complaint was made, the immediate supervisor(s) involved, the chair of the Committee, and any other relevant department heads.~~

2.4 The Grievance Process

2.4.1 Grievance Hearing

Grievances contesting Demotion or Termination will be addressed through a Grievance Hearing, wherein a Grievance Hearing Committee will determine whether the contested action was Arbitrary or Capricious.

2.4.2 General Grievance Hearing Procedures

This section outlines the general principles that govern a Grievance Hearing. For detailed hearing procedures, see 3006-PR1: Staff Grievance Hearing Procedures.

Grievance Hearings will:

- Be conducted by a Grievance Hearing Committee.
- Allow each party to present relevant information and evidence.
- Require all testimony at a Grievance Hearing to be given under oath.
- Be conducted in a manner that promotes fairness, impartiality, and efficiency.
- Require all parties to comply with the deadlines set forth in 3006-PR1: Staff Grievance Hearing Procedures.
- Not be delayed for convenience, scheduling preferences, or strategic purposes. Extensions may only be approved by the Office of Human Resources in consultation with the Office of General Counsel and will

only be permitted when supported by documented Extenuating Circumstances.

2.4.3 Important Limitations

Hearings are not delayed due to the grievant's involvement, initiation, or participation in other pending University processes.

If allegations related to discrimination, sexual misconduct, or other issues not covered by this Policy arise at any point during the grievance process, those allegations will not be addressed with the Grievance Hearing Committee and instead will be referred to the appropriate University office for review and handling (See Section 3006.1).

2.5 Filing Deadline

A benefit-eligible staff employee must file the Grievance within 5 (five) business days of the contested employment action. For more information on Grievance Process deadlines, see 3006-PR1: Staff Grievance Hearing Procedures.

2.6 Standard of Review

All Grievance decisions referenced in this Policy use the following Arbitrary and Capricious Standard:

Arbitrary and capricious means doing something according to one's will or whim (as in a sudden unpredictable change). An action or decision is arbitrary if it is not supported by logic or the necessary facts, or if it is made in the absence of decision-making criteria consistent with USU policy and procedures. An action or decision is capricious if it is adopted without thought or reason or is irrational.

Disagreement with a decision does not mean the action was Arbitrary or Capricious. A contested action will only be reversed if it is found to be Arbitrary and Capricious. Otherwise, the contested action or decision will stand.

The staff employee grieving the contested action bears the burden of proof.

2.7 Outcomes

The only available outcome under this grievance process is the reversal of the action, resulting in reinstatement to the same level and conditions of employment. Alternative outcomes (e.g., monetary damages, punitive measures, or policy changes) are not available through this grievance process.

2.8 Final Decision

Following the Grievance Hearing, the Grievance Hearing Committee will prepare and submit its recommendation to the President. The President will provide a decision. The President's decision will be final and binding. For additional details regarding this process, see 3006-PR1: Staff Grievance Hearing Procedures.

3006.3 RESPONSIBILITIES

3.1 Supervisors, Department Heads, Deans, or Vice Presidents

~~Communicate the university's philosophy of fair and equitable treatment for all employees. Use the process outlined in this policy to address informal grievance issues with employees. Comply with the outlined grievance process and cooperate with the Committee to resolve the issue.~~

- Set expectations with employees in accordance with USU Policy 3001: Setting Expectations and Managing Performance.
- Work to resolve employee performance issues or concerns at the lowest level in a fair and equitable

manner.

- Participate in providing relevant information during the grievance process when all informal efforts have not resolved the issue(s).

3.2 Office of Human Resources

~~Communicate the university's philosophy of fair and equitable treatment for all employees. Assist supervisors and employees in implementing this policy and act as the administrator of the formal process.~~

- Support supervisors and employees during performance management efforts.
- Receive grievances from eligible employees, review for applicability, and administer and process grievances in accordance with established policy and procedures.

~~3.3—Employees~~

~~Work closely with supervisor(s) to resolve grievances informally, where possible. Follow up all outlined grievance processes and cooperate with supervisor(s) and the Committee to resolve the issue.~~

3.3 Grievance Hearing Committee

- Review applicable grievances.
- Conduct fair and impartial hearings ensuring respect and equity in the process.
- Consult with the Office of General Counsel and Office of Human Resources as needed to clarify policy or procedural questions.
- Issue a determination to the President for final review.

3.4 Employees

- Coordinate with supervisors as part of performance expectations setting processes.
 - Work to resolve concerns, questions, or issues quickly and informally with supervisors where possible.
- When choosing to file a grievance, file timely and participate fully in the process with Human Resources and the Grievance Hearing Committee in accordance with established policy and procedures.

3006.4 REFERENCES

- Utah Code Ann. § 53H-3-902, et seq.
 - Utah Code Ann. § 67-21-3, et seq.
 - USHE R831, Non-Faculty Employee Grievance Process
- ~~Utah Code Ann. § 67-21-3, et seq.~~

3006.5 RELATED USU POLICIES

- Interim Policy 2101: Discrimination Based on Protected Characteristics
- Interim Policy 2102: Title IX Sexual Misconduct in an Employment or Education Program or Activity
- Interim Policy 2103: Non-Title IX Sexual Misconduct
- Policy 3001: Setting Expectations and Managing Performance
- Policy 3002: Respectful Workplace
- Policy 3305: Employment-at-Will

3006.6 ~~3006.6~~ DEFINITIONS

6.1 Adverse Action

~~An adverse action generally includes employment related conduct that negatively affects an individual or group of individuals which results in being deprived of employment opportunities or would dissuade a reasonable person from engaging in protected activity. Examples of an adverse action, include but~~

~~are not limited to the decrease or limitation of compensation, terms, conditions, promotions, or privileges of employment or discharge.~~

- **Arbitrary and Capricious Standard.** Means doing something according to one's will or whim (as in sudden, unpredictable change). An action or decision is arbitrary if it is not supported by logic or the necessary facts, or it is made in the absence of decision-making criteria consistent with USU policy and procedures. An action or decision is capricious if it is adopted without thought or reason, or is irrational.
- **Demotion.** A disciplinary action resulting in a reduction of a staff employee's current actual wage.
- **Extenuating Circumstances.** Documented and compelling reasons outside a party's control that justify deviation from established timelines.
- **Grievance.** A written request for review of a contested employment action limited to Demotion or Termination as defined under this policy.
- **Grievance Hearing.** Review conducted by a Grievance Hearing Committee. Available for Grievances challenging a Demotion or Termination.
- **Termination.** For the purpose of this Policy, a dismissal or a reduction in force (as defined in [USU Policy 3309: Reduction in Force](#)) of a USHE (Utah Systems of Higher Education) institution benefit-eligible staff employee.

Information below is not included as part of the contents of the official policy. It is provided only as a convenience for readers/users and may be changed at any time by persons authorized by the president.

RESOURCES

Procedures

- [3006-PR1: Staff Grievance Hearing Procedures](#)
- [Title IX Procedures](#)
- [ADA Accommodations Processes](#)

Contacts

- [Doug Bullock](#)
Sr. Associate Vice President of Human Resources

POLICY HISTORY

Original issue date: 1997/01/24

Last review date: ~~2022/10/14~~ [2026/MM/DD](#)

Next scheduled review date: [2029/06/01](#)

Previous revision dates: 1997/01/24, 2010/03/26, 2022/10/14

University Policy 3006: Staff Employee Grievance

Category: Human Resources

Subcategory: Rights & Responsibilities

Covered Individuals: Benefit-Eligible, Staff Employees

Responsible Executive: Executive Vice President and Chief Operating Officer

Policy Custodian: Office of Human Resources, Sr. Associate Vice President of Human Resources

Last Revised: 2022/10/14

Previous USU Policy Number: 325: Staff Employee Grievance

3006.1 PURPOSE AND SCOPE

Utah State University (USU) embraces the philosophy of fair, respectful, and equitable treatment for all university employees (USU [Policy 3002: Respectful Workplace](#)). This grievance policy provides benefit-eligible, staff employees a formal review process for adverse actions taken against them when informal attempts to resolve complaints have not achieved a satisfactory result.

3006.2 POLICY

2.1 Eligibility and Filing

Benefit-eligible staff employees may file grievances under this policy. Faculty and at-will personnel (USU [Policy 3305: Employment-at-Will](#)) are not eligible to file grievances under this policy.

However, before filing a grievance, staff employees are required to make the best efforts and attempt to resolve problems or complaints informally with their immediate supervisor or the next higher level of supervision. Only when the staff employee has not received satisfactory resolution of his/her problem through informal methods should this formal review process be used as outlined in section 2.3.4. Only adverse actions, as defined in this policy, are eligible for review. The Office of Human Resources is available to consult with supervisors and/or staff employee regarding employment issues or concerns where needed.

Allegations of discrimination in violation of USU [Policy 2100: Affirmative Action/Equal Opportunity](#) or [Policy 2101: Discrimination based on Protected Characteristics](#), and allegations related to Sexual Misconduct in violation of [Policies 2102](#) or [2103](#) must be processed under their respective policies, and such allegations are ineligible for this formal review process. The Office of Human Resources and/or the Grievance committee shall refer the party who is presenting such allegations to the Civil Rights and Title IX Office. Allegations of abusive conduct in violation of USU Policy 3002: Respectful Workplace shall be referred to and administered by the Office of Human Resources. Furthermore, a grievance hearing committee will not consider such allegations if presented during the formal review process.

Grievances must be filed within the timelines set forth below in section 2.3.4. Grievances filed outside the applicable timeframe are ineligible for review by a grievance hearing committee.

2.2 Prohibited Acts

Any action where the primary purpose is to discourage an individual from filing a grievance or from participating in the formal review process, is prohibited. Likewise, taking adverse action towards an employee or participant who has filed or participated in the formal review process is prohibited.

2.3 Grievance Process

2.3.1 Administrator and Coordinator

The Office of Human Resources serves as the administrator and coordinator for 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 staff employee fair and adequate consideration of the problem or complaint.

2.3.2 Advisor

The Office of General Counsel, or its designee, serves as the legal advisor to grievance hearing committees.

2.3.3 Reasonable Time Off

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

2.3.4 Process Steps and Timelines

- (1) To initiate a formal grievance, the staff employee must submit a written explanation of his/her complaint(s) and a description of the informal efforts attempted to resolve the complaint(s), including supervisory/management responses, to the Associate Vice President of Human Resources within 60 calendar days of the incident or issue. Grievances regarding involuntary termination will be handled under [USU Policy 3310: Termination of Exempt and Non-exempt Staff](#), and must be filed within 30 days from the date of the incident or issue which led to the dismissal.
- (2) The complainant must specify the adverse action taken against them and what university policy was violated through the adverse action.
- (3) Within five (5) working days of receiving the written grievance, the Associate Vice President of Human Resources, or his/her representative, will coordinate the formation of a Grievance Hearing Committee, hereafter referred to as 'the Committee', comprised of three (3) staff employees appointed by the USU Staff Employee Association (SEA) president.
The chair of the Committee will be one of the representatives on the Committee from the employee group to which the complainant belongs (exempt or non-exempt) and will be named by the USU SEA president.
No member of the Committee may be in the same department or have a conflict of interest to any party of the grievance.
- (4) The Associate Vice President of Human Resources—or their representative—will provide a formal notice of the hearing (with the date, time, and procedures) to involved parties; they will distribute grievance related documents to the Committee and any other relevant parties.
- (5) Within 15 working days of distributing the grievance documents, the Committee will hold a hearing with the grieving staff employee, the employee 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 relevant information presented.

- (6) Each side will be provided time to present opening and closing statements, and submit any information that supports their claim. Parties are responsible for providing and explaining relevant evidence to the Committee. The Committee may elect to not review evidence that is unexplained or appears irrelevant.
- (7) Each party shall have the right to question witnesses. Committee members have the right to ask questions during the hearing. The Committee chair will determine if a particular line of questioning is relevant.
- (8) Each party is responsible for providing their own witnesses. It is within the discretion of the Committee to deny hearing from a witness who has duplicate or non-relevant information.
- (9) Each party has the right to have present any one person as an advisor of their choice throughout the hearing. Advisors are permitted to advise and counsel their respective parties but are not permitted to argue the case or question witnesses.
- (10) Within 10 working days after the meeting, the Committee will prepare and submit to the university president a written summary of the hearing. This summary will include their determination of whether adverse action occurred against the complainant, and if so, which university policy was violated. A courtesy copy of the Committee's decision will be provided to each party.
- (11) Within 10 working days of receiving the written summary, the university president will complete one of the following:
 - (a) Ratify the Committee's determination.
 - (b) Return the written summary to the Committee for reconsideration or clarification. The Committee will reconvene and review the case within 15 working days, and resubmit a recommendation to the president, who will then render a final decision within 10 working days.
 - (c) Reject the determination of the Committee, with stated reasons.

The president's decision will be final and binding. The president's office will then submit a copy of the written final decision to: the Office of Human Resources, the staff employee with the grievance, the employee against whom the complaint was made, the immediate supervisor(s) involved, the chair of the Committee, and any other relevant department heads.

3006.3 RESPONSIBILITIES

3.1 Supervisors, Department Heads, Deans, or Vice Presidents

Communicate the university's philosophy of fair and equitable treatment for all employees. Use the process outlined in this policy to address informal grievance issues with employees. Comply with the outlined grievance process and cooperate with the Committee to resolve the issue.

3.2 Office of Human Resources

Communicate the university's philosophy of fair and equitable treatment for all employees. Assist supervisors and employees in implementing this policy and act as the administrator of the formal process.

3.3 Grievance Hearing Committee

Evaluate all formal grievances and meet with the staff employee and other relevant parties to review the issue(s). Coordinate with the assigned legal advisor and provide a written summary and determination to the university president.

3.4 University President

Make a final decision after reviewing the written summary and determination from the Committee.

3.5 Employees

Work closely with supervisor(s) to resolve grievances informally, where possible. Follow up all outlined grievance processes and cooperate with supervisor(s) and the Committee to resolve the issue.

3006.4 REFERENCES

- Utah Code Ann. § 67-21-3, *et seq.*

3006.5 RELATED USU POLICIES

- Policy [2100: Affirmative Action/Equal Opportunity](#)
- Policy [2101: Discrimination based on Protected Characteristics](#)
- Policy [3002: Respectful Workplace](#)
- Policy [2102: Title IX Sexual Misconduct in an Employment or Education Program or Activity](#)
- Policy [2103: Non-Title IX Sexual Misconduct](#)
- Policy [3012: Required Reporting of Sexual Misconduct](#)
- Policy [3305: Employment-at-Will](#)
- Policy [3310: Termination of Exempt and Non-exempt Staff](#)

3006.6 DEFINITIONS

6.1 Adverse Action

An adverse action generally includes employment-related conduct that negatively affects an individual or group of individuals which results in being deprived of employment opportunities or would dissuade a reasonable person from engaging in protected activity. Examples of an adverse action, include but are not limited to the decrease or limitation of compensation, terms, conditions, promotions, or privileges of employment or discharge.

Information below is not included as part of the contents of the official policy. It is provided only as a convenience for readers/users and may be changed at any time by persons authorized by the president.

RESOURCES

Procedures

- N/A

Guidance

- N/A

Related Forms and Tools

- N/A

Contacts

- N/A

POLICY HISTORY

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