

SUBJECT: Grievance Procedure for Unclassified Staff

INTRODUCTION

1
2 Unclassified employees who believe that they have been treated unfairly or denied due process
3 have the right to resort to the Grievance Procedure for Unclassified Staff.
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5 A grievance consists of an allegation by an unclassified employee¹ of unfair treatment in
6 decisions made by a department head or other administrator that adversely affect the grievant's
7 standing or conditions of employment. Grievances may result from, but are not limited to,
8 decisions affecting promotion, salary adjustments, and responsibilities.
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10 The Grievance Procedure for Unclassified Staff is designed to ensure the observance of due
11 process in unclassified personnel matters. Due process is a clear, orderly, fair system of
12 procedures designed to produce the best possible judgments. While the judgment regarding the
13 quality of professional performance may not be the subject of grievance, a grievance may allege
14 that a decision was not made in accordance with the letter and intent of established and accepted
15 procedures and criteria. An unclassified employee may contend, for instance, that an adverse
16 decision was not made on the basis of accepted criteria, either at the department or higher level.
17 Or, an unclassified staff member may contend that criteria have been applied in a way different
18 from the application to others in the same situation.
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20 Resorting to the grievance procedure is a serious matter. It is the responsibility of all parties to
21 resolve complaints on personnel actions quickly and at the lowest possible level. The employee
22 who contends that treatment has been unfair in personnel actions is obliged to confer informally
23 with the person responsible for making the adverse decision before filing a formal grievance. A
24 grievant has the right of self-representation at any step in the Grievance Procedure, and at any
25 formal step may choose to be accompanied by counsel, legal or personal.
26

INFORMAL CONSULTATION

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28 At a minimum this stage requires that the employee present his/her concerns to the department
29 head.² In return, the department head should explain the reasons for the decision and the
30 criteria employed. Both parties should enter into these discussions seriously, treating them as
31 an opportunity to settle the matter. It is expected that the majority of grievances will be resolved
32 at this stage.

¹The term unclassified employee in this Grievance Procedure is as defined in the Employee Handbook.

²This procedure is written in terms of a complaint against a departmental decision. A complaint against other administrators shall follow the steps as outlined here; i.e., starting at the appropriate level with informal discussion, then formal explanation, then filing the grievance at the next level in the chain of authority, and so on up to the Chancellor.

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34 If, after informal discussion, the unclassified employee continues to believe that the treatment has
35 been unfair and wishes to pursue the matter, the employee should file, with the department head,
36 a written request for formal explanation of the adverse decision. The request must include the
37 staff member's specific questions and concerns that constitute the basis for the complaint. A
38 copy of this request shall also be sent to the Chancellor. The request must be made within 90
39 calendar days of the date the staff member was informed (or can reasonably be expected to have
40 known) of the decision. The right to request an explanation within 90 days of a decision, and to
41 pursue the Grievance Procedure to its conclusion, is assured to the grievant even if no longer an
42 employee of the University.

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44 The department head must respond to this request in writing within ten (10) working days, stating
45 the reasons for making the contested decision and explaining the procedures, standards, and
46 criteria used in arriving at the decision. A copy of the chairperson's response shall be forwarded
47 to the Chancellor.

48
49 If, after receiving this response, the employee feels that an unfair judgment has been rendered or
50 that due process has been denied, the employee may file, within ten (10) days, a formal grievance
51 with the Chancellor, with copies to the department head.³ This filing constitutes the beginning of
52 the formal Grievance Procedure. The formal grievance must clearly state in what way the
53 grievant feels that an unfair judgment has been rendered or that due process has been denied.

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55 The request for explanation, the department head's response, and the formal grievance become
56 the basis for all subsequent steps in this procedure.

57
58 **THE FORMAL GRIEVANCE PROCEDURE FOR UNCLASSIFIED STAFF**

59 The department head shall at this stage try to resolve the grievance in a manner acceptable to all
60 parties. The department head must, within ten (10) days of receiving the grievance, rule either to
61 uphold or deny the grievance. This ruling shall be in writing and shall specify the basis for the
62 decision. Copies shall be sent to the parties and to the Chancellor's Office.

63
64 If the grievant remains unsatisfied, the grievant may within five (5) days request that the
65 Chancellor rule on the issue or establish a formal grievance committee to hear the complaint. A
66 grievant who chooses to have the case heard directly by the Chancellor forfeits the right to a

³All documents of the formal grievance procedure (beginning with the formal grievance) shall be delivered to the Chancellor's Office, which shall notify the addressee that they may be picked up. The Chancellor's Office shall also keep a log of the dates of receipt and delivery of these documents.

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67 hearing by a University grievance committee.

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69 On request, the Chancellor shall appoint an ad hoc committee to hear the grievance. It is the
70 duty of the committee to determine whether the grievant has been denied due process or treated
71 unfairly and to make recommendations to the Chancellor.