



**POLICY STATEMENT 36
GRIEVANCE PROCEDURE FOR UNCLASSIFIED STAFF**

POLICY DIGEST

**Primary Monitoring Unit: Human Resources
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I. INTRODUCTION

Classified staff who believe that they have been treated unfairly or denied due process have the right to resort to Grievance Procedure provided by the [Louisiana Department of State Civil Service Appeals Procedure](#).

Unclassified employees who believe that they have been treated unfairly or denied due process have the right to resort to the Grievance Procedure for Unclassified Staff.

Employees who feel they are being discriminated against because of race, color, sex, ethnicity, religion, age, creed, marital status, veteran’s status, disability, or sexual orientation also have a right to file a complaint in accordance with the policy statement on Affirmative Action/Equal Employment Opportunity (PS No 29), Louisiana State University’s Equal Opportunity Policy, ([LSU PM 55](#)), Sexual Misconduct or Title IX Violation ([PS No 30](#)), or Title IX and Sexual Misconduct Policy ([LSU PM 73](#)). In an event where the grievance may be considered a Title IX/AA/EEO violation the grievance shall be referred to the Title IX/AA/EEO officer immediately.

II. UNCLASSIFIED STAFF

A grievance consists of an allegation by an unclassified employee¹ of unfair treatment in decisions made by a department head or other administrator that adversely affect the grievant's standing or conditions of employment. Grievances may result from, but are not limited to, decisions affecting promotion, salary adjustments, and responsibilities.

The Grievance Procedure for Unclassified Staff is designed to ensure the observance of due process in unclassified personnel matters. Due process is a clear, orderly, fair system of procedures designed to produce the best possible judgments. While the judgment regarding the quality of professional performance may not be the subject of grievance, a grievance may allege that a decision was not made in accordance with the letter and intent of established and accepted procedures and criteria. An unclassified employee may contend, for instance, that an

¹The term unclassified employee in this Grievance Procedure is as defined in the [Employee Handbook](#).

37 adverse decision was not made on the basis of accepted criteria, either at the department or
38 higher level. Or, an unclassified staff member may contend that criteria have been applied in a
39 way different from the application to others in the same situation.

40 Resorting to the grievance procedure is a serious matter. It is the responsibility of all parties to
41 resolve complaints on personnel actions quickly and at the lowest possible level. The employee
42 who contends that treatment has been unfair in personnel actions is obliged to confer informally
43 with the person responsible for making the adverse decision before filing a formal grievance. A
44 grievant has the right of self-representation at any step in the Grievance Procedure, and at any
45 formal step may choose to be accompanied by counsel, legal or personal.

46 **III. INFORMAL CONSULTATION**

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

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

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

65 If no response is received after ten (10) days or if after receiving this response, the employee
66 feels that an unfair judgment has been rendered or that due process has been denied, the
67 employee may file, within ten (10) days, a formal grievance with the Chancellor, with copies to
68 the department head.³ This filing constitutes the beginning of the formal Grievance Procedure.
69 The formal grievance must clearly state in what way the grievant feels that an unfair judgment
70 has been rendered or that due process has been denied.

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.

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.

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

73 **IV. THE FORMAL GRIEVANCE PROCEDURE FOR UNCLASSIFIED STAFF**

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

78 If no response is received after ten (10) days or if the grievant remains unsatisfied, the grievant
79 may within five (5) days request that the Chancellor rule on the issue or establish a formal
80 grievance committee to hear the complaint. A grievant who chooses to have the case heard
81 directly by the Chancellor forfeits the right to a hearing by a University grievance committee.

82 The LSU Eunice Staff Grievance Committee will consist of one unclassified staff member
83 (whose duties are not primarily administrative) from each area where unclassified staff members
84 are employed. In the event that the staff member filing the grievance is the only unclassified
85 staff member in that area, then the Executive Committee of the Staff Senate, in consultation
86 with the staff member of the unit, will appoint an alternate from another area. No person with a
87 pending grievance can participate in the appointment of members of the Grievance Committee,
88 nor be elected or appointed to serve on the committee.

89 The Grievance Committee will elect a chair from among its own members. In the event that the
90 committee is hearing a case involving a staff member from the same area as the committee
91 chair, the committee will select another chair to serve for the duration of the case.

92 It is the duty of the committee to determine whether the grievant has been denied due process
93 or treated unfairly and to make recommendations to the Chancellor.

94 Copies of all documents of the formal grievance procedure (beginning with the formal
95 grievance) shall be delivered to the Chancellor's Office. This will include the grievant's petition
96 as well as the initial request for explanation and the written responses received from the
97 administrator against whom the grievance is filed. The grievant will be responsible for making
98 copies of the documents for the Grievance Committee and the administrator against whom the
99 grievance is filed; the Chancellor's Office will notify them of the documents' availability. The
100 Chancellor's Office shall also keep a log of the dates of receipt and delivery of these
101 documents.

102 If the grievant desires to send copies of the documentation directly to the Grievance Committee,
103 in addition to depositing them at the Chancellor's Office, then the documents must be sent by
104 mail. Neither party to a grievance should have any communication regarding the grievance with
105 members of the Grievance Committee except at the committee's request. This prohibition also
106 applies to advisors of the person filing the grievance and to administrative superiors of the
107 person against whom the grievance was filed. When the Grievance Committee receives
108 documents from either party to the grievance, it shall immediately notify the other party and,
109 unless legally prohibited, make copies of the documents available to all parties.

110 Submission of a petition will not automatically entail investigation or detailed consideration
111 thereof. The Grievance Committee, at its discretion, may invite either or both parties to present
112 additional material, either personally or in writing. The committee may also request legal

113 opinions from LSU attorneys through the appropriate institutional officer.

114 It is the duty of the committee to determine, within ten (10) days, whether the grievant has been
115 denied due process or treated unfairly and to make recommendations to the Chancellor. If,
116 however, the committee needs additional time for its investigation, it may take an additional ten
117 (10) days by notifying both parties in writing. Copies of the committee's recommendations shall
118 be sent to the grievant and the administrator against whom the grievance was filed.

119 If the committee takes no action within the specified or extended time, the petition will
120 automatically go forward to the Chancellor without recommendation. Once the Chancellor
121 receives the recommendation of the committee (or the original petition without
122 recommendation), the Chancellor must respond to the grievant within ten (10) days.

123 For most substantive issues, the Chancellor shall be the final arbiter in the grievance procedure.
124 If the grievant is not satisfied with the Chancellor's response, or if the Chancellor fails to
125 respond within ten (10) days, the grievant may appeal to the President of LSU. The appeal
126 should clearly identify the basis for the appeal and any errors or omissions that may have
127 occurred.