

Memo to: All UH-Downtown/PS Holders  
From: Michael A. Olivas, Interim President  
Subject: Staff Grievance Policy

UH-Downtown/PS 02.B.01  
Issue No. 6  
Effective Date: 08/15/2016  
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## 1. PURPOSE

The University of Houston-Downtown (UHD) is committed to the establishment and maintenance of a constructive problem-solving mechanism for the resolution of employee grievances. The purpose of this policy is to provide a means whereby an employee may be assured of a prompt, orderly, and fair review of his/her grievance. Procedures for faculty grievances are covered in [PS 10.A.02, Faculty Grievance Policy](#).

## 2. DEFINITIONS

- 2.1 Administrative Appeal Process: The administrative appeal process has been established in an attempt to provide a second informal step to resolve a grievance. Staff employees shall complete both the preliminary appeal and the administrative appeal processes prior to seeking recourse through the formal appeal process.
- 2.2 Formal Appeal Process: The formal appeal process has been established to resolve those grievances resulting from adverse employment actions that could not be resolved through either the preliminary or administrative appeal processes. This process is available to all staff employees.
- 2.3 Grievance: A disagreement between an employee and management on the terms or conditions of employment. A grievance may be filed as a result of one of the following adverse employment actions: written reprimand, suspension without pay, demotion, involuntary transfer to a different job classification, denial of promotion, or termination. The assignment of duties, performance evaluations/appraisals, scheduling of work hours, rate of pay, and other management decisions are reserved as management rights and cannot be appealed through the grievance process. Complaints involving allegations of discrimination or harassment are processed through [SAM 01.D.07, Discrimination and Harassment Policy](#) or [SAM 01.D.08, Sexual Misconduct Policy](#).
- 2.4 Grievant: A non-probationary staff employee who files a grievance under this policy.
- 2.5 Preliminary Appeal Process: The preliminary appeal process has been established in an attempt to informally resolve grievances resulting from adverse employment actions as quickly as possible and is available to all staff employees.
- 2.6 Respondent: The UHD manager/supervisor against whom the grievance is filed.
- 2.7 Staff Employee (or Staff): An non-probationary employee employed on a regular basis for a period of at least four and one-half months, excluding students employed in positions that

require student status as a condition for employment and those holding a teaching and/or research position classified as faculty.

### **3. POLICY**

3.1 It is the policy of the University of Houston-Downtown that all employees be treated fairly and consistently in all matters related to their employment, that employment decisions are made on lawful, job related and non-discriminatory criteria, and that employees have the right to express grievances through informal and formal avenues.

3.1.1 Any staff employee who has a disagreement with management on an adverse employment action is provided a prompt, orderly, and fair response to his/her grievance under this policy.

3.1.2 Intimidation, harassment, coercion, retaliation or reprisal in any form against an employee for filing a good-faith grievance, for participating in good faith on a hearing panel, or for assisting another employee in the filing of a grievance is strictly prohibited.

3.1.3 Employees on probationary status are excluded from filing grievances under this policy. However, if a probationary employee believes that discrimination or harassment was a factor in a personnel action, he/she may proceed through [SAM 01.D.07, Discrimination and Harassment Policy](#) or [SAM 01.D.08, Sexual Misconduct Policy](#).

#### **3.2 Staff Grievance Committee**

3.2.1 The Staff Grievance Committee shall be elected via nominations provided by Staff Council.

3.2.2 Members of the Staff Grievance Committee serve three (3) year terms and are required to have a minimum of two years of full-time staff employment at UHD at the time of their nomination to the committee.

3.2.3 Members of the President's Executive Council and staff in the Division of Employment Services and Operations are ineligible for service on the Staff Grievance Committee.

#### **3.3 Staff Hearing Panel**

3.3.1 The Employee Relations Officer (ERO) or his/her designee will identify five (5) members of the Staff Grievance Committee to serve as the Staff Hearing Panel and hear the grievance. An alternate member will be selected to replace a regular member of the hearing panel if a regular member is unable to serve or when a potential conflict of interest exists. A quorum of the panel is three (3) members.

## 4. PROCEDURES

4.1 The grievance process consists of three steps: the preliminary appeal, the administrative appeal to the respective vice president or division head, and the formal appeal.

4.2 Staff employees who wish to grieve his/her termination of employment may skip the first two steps and proceed directly to the formal appeal.

### 4.3 Preliminary Appeal

4.3.1 A grievant may begin the preliminary appeal process by submitting a written request to his/her second-level supervisor setting forth the issues the grievant believes need to be addressed, as well as the proposed resolution, no later than ten (10) working days following the grievant's notification of the act, event, decision or condition which is the basis of the appeal.

4.3.2 The second-level supervisor has ten (10) working days from the date of receipt of the appeal to respond to the grievant in writing, by either upholding the decision or overturning the action that resulted in the grievance.

4.3.3 The appeal to the second-level supervisor regarding the subject of the grievance may lead to a satisfactory resolution to both parties and end the grievance process.

### 4.4 Administrative Appeal

4.4.1 The administrative appeal seeks administrative resolution of the grievance through the review of the respective vice president or division head.

4.4.2 If the grievant's petition to the second-level supervisor does not resolve the grievance, he/she may proceed to the administrative appeal by submitting a written administrative appeal to the respective vice president or division head, by no later than ten (10) working days after receiving notice from the second-level supervisor on the grievant's appeal.

4.4.3 The vice president or division head overseeing the administrative appeal must communicate his/her decision on the appeal, in writing, to the grievant within ten (10) working days from the date the administrative appeal was received by the vice president or division head, either upholding the decision or overturning the action that resulted in the grievance.

4.4.4 If the grievant's second-level supervisor is a vice president or division head, the grievant will bypass the preliminary appeal and file the administrative appeal within ten (10) working days following the grievant's receiving notice/being notified of the act, event, or decision regarding the condition which is the basis of the grievance.

- 4.4.5 If the employee's first-level supervisor is a vice president or division head, the employee may bypass both the preliminary appeal and the administrative appeal processes and proceed directly to the formal appeal process.
- 4.4.6 If the grievance is a result of a termination of employment, the grievant may proceed directly to the formal grievance process.

#### 4.5 Formal Appeal

- 4.5.1 If the grievant is not satisfied with the decision resulting from the administrative appeal process, the grievant may seek resolution of the grievance through the formal appeal process. This is the final step in the grievance process.
- 4.5.2 The grievant will complete the [Staff Grievance Intake and Resolution Form](#) stating the details of the grievance, the names of any witnesses who the grievant believes may have knowledge of the nature of the grievance, and the relief sought.
- 4.5.3 The Staff Grievance Intake and Resolution Form must be submitted by the grievant to the ERO within ten (10) working days of the grievant's receipt of the decision on the grievant's administrative appeal.
- 4.5.4 Failure to submit the Staff Grievance Intake and Resolution Form to the ERO within ten (10) working days from receipt of the decision from the administrative appeal as established in this policy will be deemed a waiver of the right to pursue a formal grievance.
- 4.5.5 Absent extenuating circumstances, a hearing to review the issues surrounding the grievant's complaint will be scheduled by the ERO and the Staff Hearing Panel appointed no later than thirty (30) working days after the ERO's receipt of the Staff Grievance Intake and Resolution Form. The ERO or his/her designee will identify five (5) members of the Staff Grievance Committee to serve as the Staff Hearing Panel and hear the grievance. An alternate member will be selected to replace a regular member of the hearing panel if a regular member is unable to serve or when a potential conflict of interest exists.
  - a. No member of the hearing panel may be involved in any of the events surrounding the grievance.
  - b. Neither the grievant's nor the respondent's department may be represented on the hearing panel.
  - c. The hearing panel must represent a broad cross section of university staff.
  - d. No more than one member of any department may serve on the hearing panel.
- 4.5.6 No later than fifteen (15) working days prior to the hearing, absent extenuating circumstances, the ERO or his/her designee will send a notice to the grievant and respondent stating the date, time, and place of the hearing.

- 4.5.7 No later than five (5) working days prior to the hearing, the parties will submit to the ERO the following:
- a. All documents to be considered by the hearing panel;
  - b. A list of witnesses, not to exceed four (a witness list including five or more names must receive prior approval from the ERO) expected to testify at the hearing;
  - c. Request for the removal of one member of the hearing panel, if desired; and
  - d. Notification if he/she will be represented by legal counsel (including the name, address and telephone number of counsel).
- 4.5.8 No later than three (3) working days prior to the hearing, the ERO or his/her designee will distribute copies of all documentation and witness lists to both parties.
- 4.5.9 No later than two (2) working days prior to the hearing, the ERO or his/her designee will convene the hearing panel to review copies of the submitted materials, assist the Panel in electing a chair, and discuss the Staff Grievance Hearing Panel Rules and Guidelines.
- 4.5.10 The ERO or his/her designee will attend the hearing for purposes of providing guidance on hearing procedures, but will not take an advocacy position.
- 4.5.11 All grievance hearings are audibly recorded. Upon request of either party to the ERO, duplicate audio recordings of the proceedings will be made available to the requesting party.
- 4.5.12 When all the evidence is presented and the hearing panel members have no further questions of either party or any of the witnesses, the hearing panel chair will adjourn the hearing, ensuring that the tape recording has ceased. After meeting with the ERO or his/her designee who will address policy/procedural questions, the hearing panel members will proceed to closed session deliberations.
- 4.5.13 No later than three (3) working days following the conclusion of the hearing, the panel will make a recommended finding on the Staff Grievance Intake and Resolution Form as to whether or not university policy was violated. The chair will communicate the panel's recommended findings on the Staff Grievance Intake and Resolution Form and forward it to the ERO for final review.
- 4.5.14 The ERO will submit the Staff Grievance Intake and Resolution Form to the Vice President for Employment Services and Operations (VPESO) who will deliver the form to the President or designee.
- 4.5.15 No later than ten (10) working days after receipt of the hearing panel's recommended finding, the President or designee will take one of the following

actions and communicate his/her decision in writing to the grievant, the respondent, both parties' attorneys (as appropriate), the VPESO and the ERO:

- a. Accept the panel's recommended finding;
- b. Reject the panel's recommended finding; or
- c. Remand the case to the panel with instructions to reopen the hearing, conduct further deliberations, or answer specific questions posed by the President.

4.5.16 The President's decision is final and binding to all parties.

#### 4.7 Staff Grievance Committee

4.7.1 The Staff Grievance Committee shall be comprised of eighteen (18) full-time benefits-eligible staff members. The Staff Council will submit nominations to Employment Services and Operations each August, as follows:

4.7.2 The Staff Grievance Committee shall be ethnically diverse, and include a balanced mix of males and females.

4.7.3 Selection of the Staff Grievance Committee membership will occur by election each August.

4.7.4 Members of the Staff Grievance Committee are required to have a minimum of two years of full-time staff experience at UHD at the time of their nomination to the committee.

4.7.5 The election is to be conducted by the Vice President for Employment Services and Operations.

- a. Only non-temporary staff members qualify to vote.
- b. Under the stated membership constraints, the nominees receiving the highest numbers of votes become committee members.

4.7.6 Members of the Staff Grievance Committee serve rotating three-year terms with no more than one-third of the membership rotating off the Committee annually in September. The composition of the committee will be as follows:

<u>Division</u>	<u># of Positions on Committee</u>
Academic and Student Affairs	10
Administration and Finance	7
President's Office and Advancement and University Relations	1

4.7.7 Members of the President's Cabinet or Deans Council and staff in the Division of Employment Services and Operations are ineligible for service on the Staff Grievance Committee.

## **5. EXHIBITS**

There are no exhibits associated with this policy statement.

## **6. REVIEW PROCESS**

Responsible Party (Reviewer): Vice President for Employment Services and Operations

Review: Every three years on or before October 1<sup>st</sup>.

Signed original on file in Employment Services and Operations.

## **7. POLICY HISTORY**

Issue #1: 05/12/89

Issue #2: 10/16/95

Issue #3: 09/29/08

Issue #4: 09/10/09

Issue #5: 10/10/13

## **8. REFERENCES**

[PS 10.A.02](#)

[Staff Grievance Intake and Resolution Form](#)