b. Academic Staff: Grievances – See UWS 13.02

1. Definition

A grievance is a personnel problem involving an academic staff member’s expressed feeling of unfair treatment or dissatisfaction with aspects of his/her university working conditions which are outside his/her control.

2. Purpose and Limits of Grievance

An academic staff member may pursue a grievance when he/she believes that the relevant personnel policies, rules, or procedures were not appropriately followed. (US 10/08) To the extent practical, all grievances should be settled through informal discussions at the lowest possible administrative level and may be discussed with progressively higher administrators in a mutually sincere effort to reach an acceptable settlement. In addition, any question or allegation not related to discrimination may be discussed informally with the Chair of the Academic Staff Personnel Committee. Complaints or grievances having to do with discrimination or harassment will be handled as outlined below under “Equal Opportunity/Affirmative Action Complaints and Grievances.”

3) Procedures for Filing a Formal Grievance

Any academic staff member wishing to make a grievance may submit a written statement of his/her grievance to the Chair of the Academic Staff Complaint and Grievance Review Committee (ASCGRC). The written statement of the grievance must be submitted within 300 days after the academic staff member knew or reasonably should have known of the action or omission out of which the grievance has arisen, unless there are extenuating circumstances. (US 10/08) A formal statement of grievance should include:

a. Description of the specific act which resulted in the grievance, the date(s) upon which the act(s) took place, the names of the persons involved.
b. A listing of the specific rights of the academic staff member which are alleged to have been violated, or the nature of the alleged unfair treatment.
c. Evidence to support the grievance. Such evidence may include materials which predate the grievance.
d. Desired outcome.

Any academic staff member having a grievance that has not been resolved through regular university procedures may submit a written statement of the grievance to the Chair of the Academic Staff Complaint, Grievance, and Review Committee.
If possible, pertinent documents should be filed with the statement of grievance. The committee will then determine whether it wishes to take formal action on the grievance or to appoint a subcommittee to attempt informally to resolve the grievance in consultation with the parties involved. If the grievance is not resolved to the satisfaction of the academic staff member involved, he/she may request a formal hearing.

4. Possible ASCGRC Actions after Filing Grievance

Within 7 days of receiving the grievance, the ASCGRC will meet to determine whether it wishes to take formal action on the grievance as a full committee or to appoint a subcommittee whose task is to attempt to informally resolve the grievance.

4) Upon filing of a grievance in writing, the following procedures shall apply:

a) The Chair of the Academic Staff Complaint, Grievance, and Review Committee shall inquire whether the grievant has attempted to resolve the grievance through normal informal university procedures. If not, the Chair may ask the grievant to do so before invoking the formal grievance procedures and shall notify the grievant that a subcommittee of the Personnel Committee will assist in the informal resolution of the grievance if the grievant so desires.

5. Procedures for Formal Hearing

If within 30 days the grievance is not resolved by way of the informal mediation involving the ASCGRC subcommittee to the satisfaction of the academic staff member involved, the academic staff member may request a formal hearing.

The hearing shall be conducted as follows:

a. Within 3 days of deciding upon a formal hearing, the ASCGRC shall notify the parties involved of the specific contents of the written statement of the grievance as submitted to the Chair of the ASCGRC by the academic staff member bringing the grievance. The notice shall also inform each other of the parties involved of his/her right to request an open hearing. and/or to Any other party may also present a written statement for consideration by the committee. Each of the parties involved may also select witnesses to appear before the committee on his/her behalf, as well as retain the right to have a support person or advisor present at the hearing. The advisor may be a lawyer. The advisor may counsel the grievant, but may not directly question witnesses, present information or witnesses, or speak on behalf of the grievant except at the discretion of the hearing examiner or committee.

b. Within 7 days of deciding upon a formal hearing, the committee shall appoint a Hearing Committee of five members.

Comment [teo1]: It is possible that the subcommittee wouldn’t be conflicted out. You don’t need a meeting to set a date for the hearing.
c. Within 21 days from the formation of the Hearing Committee, a hearing shall be held. The hearing shall be restricted to consideration of the issue(s) identified in the initial written statement of the grievance.
d. Within 10 days of the hearing, the Hearing Committee shall recommend appropriate administrative action in a written report to the Chancellor with a copy to all parties involved.
e. The Chancellor shall act on the recommendations of the report and notify in writing all parties involved of his or her decision within 21 days. The decision by the Chancellor on the recommendation of the committee shall be final except that the Board of Regents, upon petition of a grievant or the committee, may grant a review on the record. (US 4/89)
f.e. All deadlines in the above timeline of procedures may be extended upon mutual agreement of parties or by order of the Hearing Committee.

b) If the grievant prefers not to try informal procedures or has tried them and remains unsatisfied, the grievance shall be brought to the full committee. A Hearing Committee shall be appointed to conduct a formal Hearing into the case, consider the validity of the grievance, and write a final report. Academic Staff Complaint, Grievance, and Review Committee members who assisted in an attempt to resolve a grievance informally may not sit on a Hearing Committee dealing with the same grievance. Appointment of the Hearing Committee and conduct of the Hearing shall follow the local implementation of UWS 11.04.
c) In all instances where a grievance has been filed, the chair of the Academic Staff Complaint, Grievance, and Review Committee shall notify the members of the Academic Staff Complaint, Grievance, and Review Committee in writing and shall forward to the members copies of all documentation submitted by the grievant.

5) If the grievant chooses to pursue the informal resolution of the grievance, the following procedures are recommended:
a) The Chair of the Academic Staff Complaint, Grievance, and Review Committee shall appoint a subcommittee of two.
b) The subcommittee will pursue informal resolution between the parties, including informing the person(s) against whom the grievance was filed of the nature of the grievance. The
subcommittee’s role may include (but is not limited to) encouraging the speedy resolution of the conflict and acting in a mediating capacity between the parties.

c) If the informal effort does not produce a resolution that is satisfactory to the person(s) filing the grievance within 30 working days of the subcommittee being appointed and the individual(s) wishes (wish) to go to a formal hearing, that Hearing shall be held according to the procedures outlined in the local implementation of UWS 11.04.

6) The committee is authorized to develop additional procedures, not inconsistent with the provisions of this chapter, appropriate to a particular grievance.

7) The Hearing Committee’s final report shall evaluate the grievance and recommend appropriate administrative action. The report shall be sent to the Chancellor with a copy to the academic staff member making the request. If resolution of the case results in a decision to dismiss, then FACULTY the provisions of UWS 11 and hearing privileges under the local implementation of UWS 11 shall apply.