

## University Policy 325: Staff Employee Grievance

**Category:** Human Resources

**Subcategory:** General

**Covered Individuals:** Benefit-Eligible, Staff Employees

**Responsible Executive:** Vice President for Finance and Administrative Services

**Policy Custodian:** Office of Human Resources, Associate Vice President of Human Resources

**Last Revised:** 2022/10/14

**Previous USU Policy Number:** N/A

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### 325.1 PURPOSE AND SCOPE

Utah State University (USU) embraces the philosophy of fair, respectful, and equitable treatment for all university employees (USU [Policy 321: 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.

### 325.2 POLICY

#### 2.1 Eligibility and Filing

Benefit-eligible staff employees may file grievances under this policy. Faculty and at-will personnel (USU [Policy 390: 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 303: Affirmative Action/Equal Opportunity](#) or [Policy 305: Discrimination Complaints](#), and allegations related to Sexual Misconduct in violation of [Policies 339](#) or [339A](#) 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 Office of Equity. Allegations of abusive conduct in violation of USU [Policy 321: 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 399: 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.

## 325.3 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.

## 325.4 REFERENCES

- Utah Code Ann. § 67-21-3, *et seq.*

## 325.5 RELATED USU POLICIES

- Policy 303: [Affirmative Action/Equal Opportunity](#)
- Policy 305: [Discrimination Complaints](#)
- Policy 321: [Respectful Workplace](#)
- Policy 339, 339A, 339B: [Sexual Misconduct](#)
- Policy 340: [Required Reporting of Sexual Misconduct](#)
- Policy 390: [Employment-at-Will](#)
- Policy 399: [Termination of Exempt and Non-exempt Staff](#)

## 325.6 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.

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## RESOURCES

### Procedures

- N/A

### Guidance

- N/A

### Related Forms and Tools

- N/A

### Contacts

- N/A

## **POLICY HISTORY**

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