

Utah Tech University Policy

151: Staff Grievances



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I. Purpose

- 1.1 To ensure fair treatment for Utah Tech University (hereinafter referred to as “University”) non-faculty staff members who seek to resolve work-related grievances.

II. Scope

- 2.1 Policy 151 applies to all staff employee classes.
- 2.2 Problems or complaints involving a claim of discrimination or harassment on the basis of race, color, national origin, religion, sex, age, disability, or veteran’s status are processed through the provisions of Policy 154.

III. Definitions

- 3.1 **Employment Grievance:** A real or imagined wrong or other cause for complaint concerning interpretation or application of personnel policies or practices, working conditions, employee-supervisor relationships, discipline, termination or non-retention, or other personnel matters. Grievances filed under Policy 151 relate to non-faculty employment.
- 3.2 **Final and Binding Decision:** A final administrative decision. The complainant cannot take the matter any further administratively.
- 3.3 **Final and Binding Decision-Maker:** The president of the University.
- 3.4 **Full-Time Employee:** As defined in Policy 301, those individuals whose employment status is expected to last nine (9) consecutive months or longer, working 75 percent or more (0.75 FTE or greater) of the normal possible annual working hours for that position. This includes individuals working consistently 30 hours or more weekly on a 12 month basis, and those working 75 percent or more for at least nine (9) consecutive months

in jobs where the normal possible working hours are less than 2,080 hours (full-time annual equivalent).

- 3.5 **Staff Employee:** As defined in Policy 301, an employee whose primary objective in University employment is non-teaching e.g. administering University organization and functions or support University infrastructure and programs.

IV. Policy

- 4.1 An employee will not be subjected to intimidation or reprisal for assertion of an Employment Grievance.
- 4.2 Probationary, part-time, or temporary employees do not have the grievance process available to them regarding lawful termination.
- 4.3 Probationary, part-time, or temporary employees have access to the Employment Grievance policy up to and including Formal Procedure, Step 1. The Step 1 solution becomes the final binding decision for such employees (see Section 6.2).
- 4.4 If any of the steps are impractical for any reason for a specific case, the Human Resources Director can, in consultation with the administration and applicable Staff Association president-elect, prescribe an alternate grievance process which assures to the staff member appropriate due process in consideration of the grievance. The staff member's right to a hearing before a Grievance Committee cannot be denied.
- 4.5 Time limits provided for conducting the grievance procedure are guidelines and may be extended by mutual agreement between the Human Resources Office and the applicable Staff Association president-elect. Time limits refer to normal work days.

V. References

- 5.1 University Policy 154: Title IX, Harassment and Nondiscrimination
- 5.2 University Policy 301: Personnel Definition
- 5.3 University Policy 325: Probation
- 5.4 University Policy 351: Job Classification
- 5.5 University Policy 372: Corrective and Disciplinary Action
- 5.6 University Policy 373: Termination and Reduction of Workforce

VI. Procedures

- 6.1 Informal Procedure: Staff Employees should first attempt to resolve their Employment Grievances through informal discussions with their immediate supervisor.
 - 6.1.1 The Staff Employee will make the grievance known, in writing or orally, to his/her supervisor, within 10 days of the time the grievance arises or from the date the employee should have known of the occurrence.
 - 6.1.2 The supervisor will respond within five (5) days, of receipt of the grievance by setting up a meeting to discuss the matter or by responding, in writing, to the aggrieved staff member.
 - 6.1.3 The Staff Employee may be accompanied by a friend, fellow employee, or a relative during the informal discussions.
 - 6.1.4 If the Staff Employee chooses to be accompanied in the informal process by an employee organization representative, legal counsel, or other similar professional, the University may elect to follow the formal grievance procedure.
- 6.2 Formal Procedure, Step 1: If a mutually satisfactory agreement cannot be reached between the immediate supervisor and the Staff Employee, then the Staff Employee has 10 days to file, in writing, the grievance, including suggested remedy, to the second-level supervisor, that is the employee's supervisor's supervisor.
 - 6.2.1 The second-level supervisor will render a decision, in writing, or conduct a meeting, within five (5) days of receiving the written grievance.
 - 6.2.1.1 If the second-level supervisor holds a meeting, both the staff member and the first-level supervisor should be present, offering their perspectives.
 - 6.2.1.2 Both parties should be able to bring witnesses on their behalf to the meeting, if so desired.
 - 6.2.1.3 The second-level supervisor will render a decision, in writing, within five (5) days of the meeting.
 - 6.2.2 The decision of the second-level supervisor is the Final and Binding for part-time, temporary, or probationary staff. If the second-level supervisor is a vice-president and the Staff Employee is employed

full time, the decision is Final and Binding.

6.2.3 Unless the second-level supervisor is a vice-president, a full-time Staff Employee unsatisfied with the resolution has 10 days to file, in writing, the grievance, including a suggested remedy.

6.2.4 The vice-president will render a decision, in writing, within five (5) days of the meeting. The decision of the vice-president is Final and Binding.

6.2.4.1 Should the vice-president elect, they may form an ad-hoc committee or appoint an ad-hoc investigator to review associated documentation and provide a neutral recommendation to the vice-president as part of the decision-making process.

6.3 Formal Procedure, Step 2 (The Grievance Committee Procedure for Termination of Full-Time Employees): If the second-level supervisor's decision, resulting from Step 1, is not satisfactory to the full-time staff member, the employee has five (5) working days to submit a formal grievance, in writing, using the online grievance form found on the Human Resources website, to the Human Resources Director.

6.3.1 A Full-Time Employee who has been terminated has five (5) working days, after receipt of notification of termination, to contact the Director of Human Resources and begin the grievance process.

6.3.2 The Human Resources Director will, within five (5) days of receipt of the grievance papers, form a Grievance Committee.

6.3.2.1 The Committee will be made up of a chair and an administration representative, chosen by the Director of Human Resources, an employee chosen by the person requesting the hearing and two Staff Association representatives, one of which is the president-elect.

6.3.2.2 Three (3) members will constitute a quorum.

6.3.3 The Committee Chair will schedule a hearing within 10 days of receiving the grievance.

6.3.4 The parties to the grievance will have the opportunity to present to the Committee their positions and supporting evidence, in person if they so desire.

6.3.4.1 The aggrieved employee may be accompanied by any person

of his/her choice. However, the aggrieved staff member will act as his/her own spokesperson.

- 6.3.5 The Committee will select a member to keep a written record of hearings and findings.
- 6.3.6 Unless the employee has been terminated, reasonable time off, with pay, during scheduled working hours are provided to the employee, his/her representative, and any witnesses, if University employees, for time spent attending or participating in the proceedings. No compensation will be given for time spent in such activities outside scheduled working hours or time or money spent in preparation for such proceedings by the aggrieved employee.
- 6.3.7 The Committee will gather the necessary evidence, consider the findings and relevant policies, and within 20 days following the hearing, will present, in writing, its findings and recommendations to the Final and Binding Decision-Maker. The final decision-maker may refer the grievance back to the Grievance Committee if he/she feels that the Committee needs to consider additional factors. In such circumstances, the Committee has an additional seven (7) days to submit a written report of its findings and recommendations to the Final and Binding Decision-Maker.
- 6.3.8 After reviewing the evidence, the findings and the recommendations of the Committee, the Final and Binding Decision-Maker will, within 10 days, inform all parties, in writing, of the final decision.
 - 6.3.8.1 As the grievances move through the process, the grievant may not add new issues, claims, or grievances to the original.
 - 6.3.8.2 An employee may not institute more than one grievance procedure based on the same facts, claims, circumstances, or events.
 - 6.3.8.3 All findings, hearing records, and decisions will be placed in a grievance file in the Human Resources Office.
 - 6.3.8.4 A copy of the initial grievance and the final decision will be placed in the aggrieved Staff Employee's personnel file.
- 6.4 Appeals: Appeals or grievances regarding job classification and salaries do not follow this grievance process, but have their own process through the Staff Salary Committee.

- 6.4.1 Appeals or grievances regarding termination begin with Formal

Procedure, Step 2 (see Section 6.3).

VII. Addenda

7.1 Grievance Form: <https://humanresources.utahtech.edu/forms/>.

Policy Owner: President

Policy Steward: Executive Director of Human Resources, General Counsel

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