



## Grievance Procedure for Administrators

Approved By: President	Related Policies: ORS 351.070; OAR 580-021-0050(10)
Date Approved: 09/17/2005	Contact Officer: Director of Human Resource Services
Revised:	Policy Custodian: Vice President for Finance and Administration
Date of Next Review: 09/17/2008	

### A. Purpose

The University encourages open communication between administrators and their supervisors when trying to resolve work-related problems. This policy establishes the informal and formal grievance procedures for resolving disputes related to the terms and conditions of employment.

### B. Definitions

1. Administrators hold positions that provide academic, administrative, public service, and student support for Southern Oregon University's educational mission. Any teaching and research activities that are part of an administrator's appointment are less than 66%.
2. Days are calendar days unless expressly designated otherwise.
3. Grievance is a complaint by an administrator that the administrator's rights were adversely affected in connection with a personnel action in the application of a University policy, rule or procedure under which the University operates. Such actions include, but are not limited to, compensation, discipline, dismissal, discriminatory employment practices, or the denial of procedural rights regarding appointment or non-renewal.
4. Time limit is the deadline by which a grievance must be filed or by which a response to a grievance is due.

### C. Scope

1. The procedure is available to all administrators. If two or more administrators have a dispute over the same issue, they may file one joint grievance.
2. This grievance procedure does not lessen any rights under other existing University grievance procedures. Disputes and grievances based upon alleged sexual harassment stated in the University's *Discrimination and Sexual Harassment Policy* must be filed under the procedure outlined in that policy and are not subject to this procedure.
3. When an administrator seeks resolution in another forum external to the University, the University may elect not to proceed with the grievance procedure.

#### **D. Time Limits, Extensions, and Withdrawals**

1. Time limits and extensions: Any agreement to extend a time limit must be mutual and confirmed in writing. If a grievance is filed after the time limits specified in this policy and no extensions have been requested and agreed upon, the grievance is considered withdrawn and resolved. An administrator may request the appropriate vice president to reconsider the withdrawal if the administrator believes there are mitigating circumstances that warrant consideration. Such a request for reconsideration is not a guarantee that a time limit will be extended retroactively.
2. Withdrawal: An administrator may withdraw a grievance after it has been filed under the informal or formal procedure. Once withdrawn, a grievance cannot be resubmitted.

#### **E. Informal Grievance Procedure**

1. Grievance Presentation: Prior to filing a formal grievance an administrator is encouraged to seek resolution within the unit, department, or division, beginning with the immediate supervisor. The grievance should be presented with a proposed resolution within 30 days from the time the administrator became aware of the act, omission, or condition that gave rise to the grievance.
2. Response: The supervisor discusses resolution with the administrator and responds, in writing, not more than 30 days after the initial discussion with the administrator. If the supervisor declines to pursue resolution, the administrator is notified within 5 calendar days after the initial discussion. If a grievance is resolved through the informal procedure, the supervisor and the administrator must confirm the resolution in writing. Documentation pertaining to an informal grievance and resolution is maintained in the department.

#### **F. Formal Grievance Procedure**

1. Filing
  - a. If a grievance is not resolved to the administrator's satisfaction during the informal procedure, the administrator may initiate the formal resolution procedure by filing a written grievance within 30 days from the time of receipt of the final response from the department dean or director.
  - b. The administrator may choose to bypass the informal procedure and initiate the formal resolution procedure by filing a written grievance within 30 days of when the administrator became aware of the act, omission, or condition that gave rise to the grievance.
  - c. Written grievances are filed with the associate vice president for human resources who, upon receipt, will within seven (7) workdays appoint and convene a Hearing Committee.
2. Written grievance: In a formal grievance procedure, all complaints, responses, and decisions must be made in writing within the specified time limits. A written grievance must include:
  - a. The administrator's name, address and telephone number.
  - b. The date and nature of the personnel action being appealed.
  - c. The policy or procedure alleged to have been violated.
  - d. The parties responsible for the personnel action.
  - e. The resolution requested.

Sufficient detail must be included in the grievance to allow the associate vice president for human resources to confirm: (1) whether the filing deadline has been met; (2) that the grievance can be addressed under the procedure; (3) the individual(s) responsible for the personnel action; and (4) that the personnel action being appealed and the desired remedy are clearly identified.

## **G. Hearing Committee Procedures**

1. **Nature of the Hearing:** The hearing is neither a legal proceeding nor proceeding open to the public, but a formal collegial review of a grievance. The Hearing Committee is charged with reviewing evidence presented at the hearing and making a formal written recommendation to the president. It is the committee's duty to recommend an appropriate course of action based on an unbiased review of the pertinent facts presented at the hearing. It is not the committee's duty to question professional judgment, but to make sure that the policies, rules and procedures of the University were properly applied in an unbiased manner.
2. **Hearing Committee Membership:** The Director of Human Resources selects five administrators to serve on the hearing committee for each appeal. If either party involved in the grievance has concerns about the lack of impartiality of any administrator selected, the party notifies the director, who may select an alternate to serve on the committee. The committee shall be constituted promptly with the associate vice president designating a convener. The hearing committee shall elect a chair from among its members.
3. **Procedures:**
  - a. **Committee Orientation:** The committee members receive an orientation prior to each hearing regarding their role and responsibility to provide an objective review of the grievance.
  - b. **Hearing Schedule:** The committee contacts the administrator to schedule a meeting within ten (10) days of the associate vice president for human resources' receipt of the complaint.
  - c. **Representation:** The administrator may be accompanied by or represented at the hearing by another person of the administrator's choosing. The administrator is responsible for any costs of representation.
  - d. **Presentation:** The administrator presents the grievance and any supporting evidence first. The responsible individual(s) named in the grievance presents evidence next. Each party has an opportunity to respond to the evidence presented by the other.
  - e. **Witness Statements:** Written statements by witnesses or other individuals with knowledge or information relevant to the grievance are accepted and reviewed by the Hearing Committee; however, they may not receive the same weight as testimony given in person or over the telephone.
  - f. **Questioning:** The Hearing Committee has the right to question either party to the grievance, to question witnesses, to terminate or redirect repetitive and/or irrelevant lines of questioning and, subsequent to the hearing, to call additional witnesses or request additional pieces of evidence.
  - g. **Committee Recommendation:** The Hearing Committee submits a written report describing the grievance issue(s), findings of facts, and recommendation(s) for resolving the grievance within thirty (30) days of the hearing to the president, and provides a copy to the administrator and responsible parties named in the grievance. The recommendation is based solely upon the evidence obtained during the committee's review.
  - h. **President's Review and Decision:** The president reviews the recommendation and renders a final decision, in writing, within thirty (30) days of receiving the recommendation. The president may request clarification of evidence and information from the administrator, witnesses, the Hearing Committee, and other parties to the grievance in the course of the president's review. The president's decision is final and represents the conclusion of an administrator's remedies with Southern Oregon University and the Oregon University System.
  - i. **Recordkeeping:** Grievance documents are retained by the Office of Human Resource Services in a file separate from the administrator's personnel file for three years after the date of conclusion. Grievance documents, except those pertaining to discipline, are public records upon conclusion of the grievance.

**H. Protection from Retaliation**

Retaliatory action by any University or Oregon University System employee or member of the State Board of Higher Education toward an administrator for filing a grievance in good faith or otherwise participating in any actions authorized in this policy is prohibited. An employee found to have engaged in retaliatory action may be subject to disciplinary action.

**I. Policy Revision**

This policy may be revised at any time without prior notice. All revisions supersede prior policy and are effective upon approval.