11.2 Employee Grievance Procedure

In the event that a problem cannot be resolved informally, the following grievance procedure is available to staff employees:

Definitions

1. **Day**: A regularly scheduled work day, excluding holidays, unless otherwise specified.

2. **Grievance**:
   a. Unless excluded below, a grievance is a complaint of a staff employee against the University concerning:
      1. the interpretation, application, or claimed violation of a specific term or provision of University policy, or
      2. other matters that affect the employment relationship of the staff employee to the University.
   b. Excluded from the procedure are complaints relating to:
      1. wages and salaries;
      2. falsification of application materials;
      3. retrenchment of employees pursuant to Board Policy 405.5;
      4. matters involving reappointment, performance evaluation, and promotion that do not concern a claimed failure by the University to follow established policy;
      5. classification of positions; or
      6. termination with 30 days notice.

3. **Grievance panel**: Prior to the beginning of each fiscal year, the vice chancellor responsible for each of the four administrative units (Academic Affairs, Finance and Administration, Student Affairs and University Advancement) shall submit to the Director of the Office of Equal Opportunity and Compliance the names of seven staff employees (both classified and non-classified as defined in definition 7, below) from within their respective administrative units. The Chancellor’s Office and Athletics Department staff shall be eligible for selection to the panel by the Vice Chancellor for University Advancement. The 28 employees whose names are submitted will comprise
the grievance panel for one fiscal year.

4. **Grievance committee**: Five staff employees will be selected from the grievance panel as the grievance committee for each grievance. Two members shall be selected by the grievant and two by the vice chancellor for the grievant’s administrative unit. The last member shall be selected by the first four. Only the last member may be selected from the grievant’s administrative unit. The grievance committee shall hear all evidence relevant to the grievance, make findings, and make recommendations to the Chancellor based on its findings. The committee shall not be bound by official rules of evidence and shall have no subpoena power.

5. **Grievance officer**: The individual responsible for assisting all staff employees during the grievance process and for overseeing all procedural matters and paperwork pertaining thereto. The grievance officer shall be designated by the Director of the Office of Equal Opportunity and Compliance and shall work in the Office of Equal Opportunity and Compliance.

6. **Grievance record**: A file shall be maintained by the grievance officer that shall include documentation pertaining to all stages of a grievance. The grievance officer shall be the custodian of the grievance record. The grievance record shall be treated as confidential, subject to applicable law. In particular, whether a grievance record is subject to disclosure under the Arkansas Freedom of Information Act shall be determined on a case-by-case basis consistent with governing law.

7. **Staff employee**: Any person who a) fills a classified position falling within the purview of the Uniform Classification and Compensation Act or b) who fills a non-classified position not considered faculty or administrator as defined in Section 2.1 of the Staff Handbook.

**Rights and Responsibilities**

1. Each grievance shall be handled promptly and impartially, without fear of coercion, discrimination, or reprisal. Each participant in a grievance shall do his or her part to protect this right.

2. A grievant, any witness, any other employee involved as a participant in the grievance process, and any member of the grievance committee shall be provided release time from her or his work unit, as necessary, to participate in the grievance process.

3. If a representative of the University fails to observe the time limits required herein, the grievance may be advanced to the next step in the process at the request of the grievant. If the grievant fails to observe the time limits required herein, the grievance shall be closed. However, at any time, the time limits may be extended by the grievance officer, with the approval of the Director of the Office of Equal Opportunity and
Compliance, under unusual circumstances or when such extension is deemed to be in the best interest of the grievant or the University.

4. At the end of the procedure for each grievance, the grievance officer shall a) close the grievance record for retention by the Office of Equal Opportunity and Compliance, and b) submit a written summary of the grievance to the Director of the Office of Equal Opportunity and Compliance.

**Informal Resolution Procedure**

**Grievant’s responsibility:** The grievant shall first attempt to resolve the grievance informally with his or her immediate supervisor and, as necessary, with the immediate supervisor of his or her immediate supervisor.

**Supervisor’s responsibility:** All supervisors, to the best of their ability, are required to inform, listen to, and counsel with employees on all matters affecting them and to resolve informally, if possible, all grievances. In the event the informal attempts to resolve the grievance are not successful and the grievant wishes to pursue the matter, he or she shall initiate a meeting with the grievance officer.

**Grievance officer’s responsibility:** The grievance officer shall work with appropriate parties in an attempt to resolve the grievance informally. If the process fails to bring about a satisfactory resolution, the grievant may initiate the following formal grievance procedure.

**Formal Grievance Procedure**

**Step I**

1. The grievant must contact the grievance officer to initiate the formal grievance procedure. The grievant shall submit to the grievance officer a written statement of the facts and the resolution sought. The statement must be signed and dated by the grievant. The statement must be submitted to the grievance officer within 30 calendar days of the date of the incident/event that gave rise to the grievance or of the date the employee became aware of the incident/event that gave rise to the grievance. Forms will be provided for this purpose.

2. The grievance officer shall:

   a. determine if there is a grievance as defined herein;

   b. advise the grievant of the steps to be followed in the formal grievance procedure; and
c. advise the grievant of his or her right to:

1. use the grievance procedure;

2. receive release time as necessary to participate in the grievance procedure (the grievant is cautioned about abusing his or her right to released time);

3. receive copies of all documentation, regardless of form, during all steps of the grievance procedure; and

4. take further action through external remedies when the internal administrative process has been exhausted.

3. If the grievance officer determines that there is no grievance as defined herein, the Director of the Office of Equal Opportunity and Compliance shall make a final determination on that issue. If the final determination is that there is no grievance as defined herein, the staff employee will be encouraged to pursue further informal discussion of the problem and shall be advised that he or she is free to consult an attorney.

4. Within five days of receipt of the grievance statement, the grievance officer shall transmit a copy of the grievance to the grievant’s immediate supervisor.

5. Within five days of receipt of the grievance statement, the supervisor shall either (1) set a date for a formal meeting or (2) respond to the grievant in writing. The decision to set a meeting is at the discretion of the supervisor.

a. Meeting option

1. The supervisor shall contact the grievance officer and arrange a time and a place for a meeting. The grievance officer shall inform the grievant.

2. The supervisor, the grievant, the grievance officer and any other person(s) deemed appropriate by the supervisor in consultation with the grievance officer shall meet at the time and place arranged and discuss the grievance with the goal of agreeing upon a resolution of the grievance.

3. Whether a resolution was agreed upon at the meeting or not, the grievance officer shall write a summary of the meeting and submit copies to the supervisor and the grievant.
4. The supervisor shall prepare a written statement addressed to the grievant and containing items agreed upon in the meeting and the supervisor’s proposal for resolution of the grievance. The written statement shall be submitted to the grievance officer, who shall transmit it to the grievant.

b. Written response option

The supervisor shall prepare a written response addressed to the grievant and containing the supervisor’s proposal for resolution of the grievance and the reasons for the course of action proposed. The written statement shall be submitted to the grievance officer, who shall transmit it to the grievant.

Step II

1. If the grievant is not satisfied with the written statement prepared by the supervisor, the grievant will have five days in which to provide the grievance officer with a written request for a review of the grievance by the grievant’s director or department head. (If the immediate supervisor is a director or department head, the grievance will move to Step III [for academic units only] or Step IV in the process.)

2. Within five days of receipt of the written request for review of the grievance, the grievance officer shall transmit the grievance statement and all pertinent documentation to the grievant’s director or department head.

3. Within five days of receipt of the grievance statement, the director or department head shall either (1) set a formal meeting or (2) respond to the grievant in writing. The decision to set a meeting is at the discretion of the director or department head.

   a. Meeting option

      1. The director or department head shall contact the grievance officer and arrange a time and a place for a meeting. The grievance officer shall inform the grievant.

      2. The director or department head, the grievant, the grievance officer and any other person(s) deemed appropriate by the director or department head in consultation with the grievance officer shall meet at the time and place arranged and discuss the grievance with the goal of agreeing upon a resolution of the grievance.

      3. Whether a resolution was agreed upon at the meeting or not, the grievance officer shall write a summary of the meeting and submit copies
to the director or department head and the grievant.

4. The director or department head shall prepare a written statement addressed to the grievant and containing items agreed upon in the meeting and the director or department head’s proposal for resolution of the grievance. The written statement shall be submitted to the grievance officer, who shall transmit it to the grievant.

b. **Written response option**

The director or department head shall prepare a written response addressed to the grievant and containing the director or department head’s proposal for resolution of the grievance and the reasons for the course of action proposed. The written statement shall be submitted to the grievance officer, who shall transmit it to the grievant within five days.

**Step III (for academic units only)**

1. If the grievant is not satisfied with the written statement prepared by the director or department head, the grievant will have five days in which to provide the grievance officer with a written request for a review of the grievance by the grievant’s dean. (If the immediate supervisor is a dean, the grievance will move to Step IV in the process.)

2. Within five days of receipt of the written request for review of the grievance, the grievance officer shall transmit the grievance statement and all pertinent documentation to the grievant’s dean.

3. Within five days of receipt of the grievance statement, the dean shall either (1) set a formal meeting or (2) respond to the grievant in writing. The decision to set a meeting is at the discretion of the dean.

   a. **Meeting option**

      1. The dean shall contact the grievance officer and arrange a time and a place for a meeting. The grievance officer shall inform the grievant.

      2. The dean, the grievant, the grievance officer and any other person(s) deemed appropriate by the dean in consultation with the grievance officer shall meet at the time and place arranged and discuss the grievance with the goal of agreeing upon a resolution of the grievance.

      3. Whether a resolution was agreed upon at the meeting or not, the grievance officer shall write a summary of the meeting and submit copies
to the dean and the grievant.

4. The dean shall prepare a written statement addressed to the grievant and containing items agreed upon in the meeting and the dean’s proposal for resolution of the grievance. The written statement shall be submitted to the grievance officer, who shall transmit it to the grievant.

b. **Written response option**

The dean shall prepare a written response addressed to the grievant and containing the dean’s proposal for resolution of the grievance and the reasons for the course of action proposed. The written statement shall be submitted to the grievance officer who shall transmit it to the grievant within five days.

**Step IV**

1. If the grievant is not satisfied with the written statement prepared by the dean (academic units only), director or department head, the grievant will have **five days** in which to provide the grievance officer with a written request for a review of the grievance by the grievant’s vice chancellor.

2. Within **five days** of receipt of the written request for review of the grievance, the grievance officer shall transmit the grievance statement and all pertinent documentation to the grievant’s vice chancellor.

3. Within **five days** of receipt of the grievance statement, the vice chancellor shall either (1) set a formal meeting or (2) respond to the grievant in writing. The decision to set a meeting is at the discretion of the vice chancellor.

   a. **Meeting option**

      1. The vice chancellor shall contact the grievance officer and arrange a time and a place for a meeting. The grievance officer shall inform the grievant.

      2. The vice chancellor, the grievant, the grievance officer and any other person(s) deemed appropriate by the vice chancellor in consultation with the grievance officer shall meet at the time and place arranged and discuss the grievance with the goal of agreeing upon a resolution of the grievance.

      3. Whether a resolution was agreed upon at the meeting or not, the grievance officer shall write a summary of the meeting and submit copies to the vice chancellor and the grievant.
4. The vice chancellor shall prepare a written statement addressed to the grievant and containing items agreed upon in the meeting and the vice chancellor’s proposal for resolution of the grievance. The written statement shall be submitted to the grievance officer, who shall transmit it to the grievant.

b. **Written response option**

The vice chancellor shall prepare a written response addressed to the grievant and containing the vice chancellor’s proposal for resolution of the grievance and the reasons for the course of action proposed. The written statement shall be submitted to the grievance officer who shall transmit it to the grievant within five days.

**Step V**

1. If the grievant is not satisfied with the written statement prepared by the vice chancellor, the grievant will have **five days** in which to provide the grievance officer with a written request for a review of the grievance by a grievance committee.

2. Within **five days** of receipt of the written request for review of the grievance, the grievance officer shall initiate formation of a grievance committee pursuant to the procedure described in the “Definitions” section above.

3. Within **five days** of the formation of the grievance committee, the grievance officer shall:
   
   a. inform the Chancellor in writing that a grievance committee has been formed;

   b. call the grievance committee members together to: 1) advise the committee members of their responsibility to select a committee chairperson; and 2) provide the grievance record to the grievance committee.

   c. establish a mutually agreeable time and place for the hearing;

   d. notify all parties of the time and place of the hearing; and

   e. advise all persons involved of their right to released time.

4. Within **10 days** of its meeting with the grievance officer, the grievance committee shall:

   a. hear all evidence relevant to the grievance; and
b. determine whether, in the opinion of the committee, University policies and procedures were followed.

The grievant, grievance committee, and the University representative may request the presence at the hearing of anyone having information pertinent to the grievance. In the event of a disagreement about the pertinence of the information to be considered, the grievance committee, in consultation with the grievance officer, may make a determination regarding whether to consider the offered information, taking into account the likely usefulness of the information in reaching a fair determination in the matter and the efficient conduct of the grievance process.

5. Within **two days** of the conclusion of the hearing, the grievance officer shall transmit the grievance record to the Chancellor.

6. Within **five days** of the conclusion of the hearing, the grievance committee shall submit in writing to the Chancellor the committee’s proposal for resolution of the grievance and the reasons for the course of action proposed.

7. The Chancellor shall prepare a written statement addressed to the grievant containing the Chancellor’s decision for resolution of the grievance and the reasons for the decision. The Chancellor may request that the committee clarify its recommendations or review additional aspects of the matter. The Chancellor’s decision shall be considered final and no further administrative review shall be available to the grievant.

   A copy of the grievance committee’s proposal for resolution of the grievance shall be attached to the written statement. The written statement shall be submitted to the grievant, with a copy to the grievance officer.

8. The grievance officer shall inform the grievant’s immediate supervisor, dean, director or department head, and vice chancellor, as applicable, of the action required to carry out the decision of the Chancellor.