



**Angelo State University**  
**Operating Policy and Procedure**

**OP 52.17: Grievances and Appeals**

**DATE:** September 1, 2007

**PURPOSE:** The purpose of this OP is to establish policies and procedures for staff grievances and appeals for employment termination actions.

**REVIEW:** This OP will be reviewed in September of each even-numbered year by the Director of Human Resources with recommended revisions forwarded through administrative channels to the Vice President for Finance and Administration.

**POLICY/PROCEDURE**

**1. Policy**

It is the policy of Angelo State University to receive, process, and resolve staff employee grievances, including allegations of discrimination, in a fair and prompt manner. Every employee of the University shall be entitled to present grievances concerning his/her wages, hours of work, or conditions of work individually or through a representative who does not claim the right to strike. The Grievance and Appeal Procedures to be followed by staff are presented in this policy.

In all interpretations, constructions, and applications of the provisions of this grievance procedure, the cardinal principles shall be equity and justice for the individual staff employee and the achievement of efficiency and an exemplary quality of work by the University.

**2. Applicability**

This policy is established for staff employees.

**3. General Provisions**

- a. Grievances shall consist of matters of concerning wages, hours of work, or conditions of work wherein the employee believes that there has been an infraction, breach, or misinterpretation of applicable personnel or administrative policy of the University. Only one subject matter shall be covered in any one grievance.
- b. All grievances not resolved at the departmental level shall be presented in writing and shall contain a clear and concise statement of the grievance by indicating reference to the applicable policy that is alleged to have been violated, the date the incident took place, the issue involved, and the relief sought.

- c. The grievant may present his or her grievance individually or through a representative that does not claim the right to strike. However, only one representative will be allowed at any step of the grievance procedure, and representation by legal counsel shall be limited to appeals made under Section 4 of this document. If the employee desires, he or she may be assisted by the institution's Human Resources Office where the grievance procedure will be explained and assistance with the writing of the grievance may be obtained. If requested, the HR Director, acting as a neutral party, may render advisory assistance to either the employee or the division concerned.
- d. The grievant shall be allowed time off from regular duties, with pay, for actual attendance at the meetings scheduled under this procedure by providing 48 hours written notification to the department head.
- e. No staff employee shall be disciplined, penalized, restrained, coerced, or otherwise prejudiced in employment for exercising the rights provided for in this grievance procedure.

#### **4. Time Limit for Filing Grievances**

All grievances that are to be filed against employees or Angelo State University must be initiated under Part a. Step One of Section 5 of these grievance and appeal procedures within ten (10) days following the action or condition leading to the grievance. Grievances will not be considered following the expiration of this time limit, and such alleged action or condition may not be subsequently raised as the basis for other grievances filed against an employee of the University.

#### **5. The Grievance Procedure**

##### **a. Step One:**

The employee shall first discuss the grievance with his or her immediate Supervisor within ten days from the date of the action or condition giving rise to the grievance. Within three days thereafter, the Supervisor shall verbally inform the employee of the decision.

##### **b. Step Two:**

Grievances not satisfactorily resolved in Step One, will entitle the employee to appeal by requesting a discussion with the department head. This request must be made within five days following the date of the Supervisor's decision in Step One. The department head will arrange for a discussion with the employee at the earliest mutually agreeable time. If the grievance is not satisfactorily resolved at this level, the employee will be verbally notified of the decision. A written report will then be submitted by the department head to the appropriate vice president within five days on the Grievance Presentation Form, and a copy of the report will be sent to the HR Director and the employee.

##### **c. Step Three:**

Grievances not satisfactorily resolved at the departmental level may be appealed by requesting, in writing, review and action by the appropriate vice president. This request must be made within ten days following the written report submitted by the department head in Step Two. The vice president will meet promptly with the employee and the employee's representative, if any, and the supervisor and/or department head. The purpose of this meeting will be to review the grievance with both parties in an effort to obtain all of the relevant facts on the case and arrive at a decision consistent with Section 1 of this document. The vice president may request assistance from the appropriate Dean or the HR Director in the review of the case or may request additional information from the parties involved in the grievance. Any evidence or testimony to be considered by the University in reviewing the grievance at this level or on subsequent appeal must be presented to the vice president during the grievance review. The vice president shall make a tape recording of the entire proceedings.

A written decision will be made by the vice president within five days following the final meeting with the parties involved in the grievance.

The grievant must include a statement in the request if he or she intends to be represented by legal counsel or a representative of an employee organization (who must disclaim the right to strike). If the grievant is to be represented by legal counsel or a representative, the department, upon the advise and guidance from the Director of Human Resources, may be represented by General Counsel of the Texas Tech University System. Only one representative shall be allowed for the grievant and for the department.

d. Step Four:

Grievances not satisfactorily resolved in Step Three may be appealed by requesting, in writing, final review and action by the President of the University. This request must be made within ten days following the decision of the vice president in Step Three. The President may base his decision on the written evidence and the transcript of the proceedings in Step 4 or may conduct further reviews or hearings if in his judgment, such reviews and hearings are necessary in order to resolve the grievance in a fair manner. The final determination by the President, in writing, will be furnished to the grievant with a copy to the department head, the vice president, and the HR Director. The decision of the President will be provided within (10) ten days of the report of the Grievance Review Committee or the hearing conducted by the President except in case of extraordinary or compelling reasons.

## **6. Decision of Grievances**

- a. The decision of the President on a grievance shall be final and binding on all parties.
- b. Nothing in this procedure shall be construed to limit, terminate, or waive any right of an employee to seek relief in a court of proper jurisdiction for any employee grievance for which a remedy is provided under the laws of the State of Texas or the United States of America.

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## **7. Special Provisions**

- a. Time limits shall not include Saturdays, Sundays, or holidays.

- b. There can be an extension of time in any step, if mutually agreeable by the grievant and the University official hearing the grievance.
- c. Failure of an employee to process his or her grievance to the next step within the specified time limit shall constitute abandonment of the grievance.
- d. Failure of management to give an answer within the prescribed time limit authorizes the employee to process his or her grievance to the next step.
- e. A copy of the Grievance Presentation Form for the processing of grievances shall be initiated and used by the department head identified in Section 4 of this document in cases when the grievance is not satisfactorily resolved by the department head. The form shall be completed to show the nature of the grievance and the response of the individual hearing the grievance. This form will be processed through the succeeding steps with the specified information being provided at each level until the grievance is satisfactorily resolved or until a final decision is made on the appeal by the President.

## **8. Representation of University Employees by Third Parties**

The right of a University faculty or staff member to be accompanied by or represented by another individual or a representative of an organization meeting with University administrators, department heads, or supervisors, or in an administrative review or discussion of an employee's duties, responsibilities, or work performance shall be limited to formal grievances which are filed and processed in accordance with the provisions of the University Grievance Policy.

University administrators, department heads, or supervisors may at their discretion invite other individuals to attend any meeting or administrative review when, in their judgment, it is in the best interest of the University to do so.

## **9. Employee Communication**

- a. The existence of the "Grievance and Appeal Procedures for Staff Employees" of Angelo State University will be made known to new staff employees during their initial orientation program.
- b. The first-line supervisor will review these procedures with new employees assigned to his or her supervision. This review should establish a mutual understanding of encouragement to resolve problems with objectivity, freedom from fear of retaliatory consequences or reprisals, and within a reasonable amount of time.