

Sam Houston State University
A Member of The Texas State University System

Finance & Operations Human Resources Policy ER-1
Dispute Resolution and Formal Grievance Procedure

SUBJECT: Dispute Resolution and Formal Grievance Procedure

PURPOSE: To provide a standard procedure whereby a current staff (non-faculty, non-student) employee and terminated employee, alleging a violation of civil rights or illegal activity who feels aggrieved may seek redress.

POLICY: It is the policy of Sam Houston State University that any employee who has a problem, complaint or dissatisfaction with the institution as an employer may file a grievance when there has been a violation of policy, procedure, regulation, or law. The employee is assured of timely and thorough consideration of any grievance filed. Each employee is assured freedom from interference, coercion, discrimination and reprisal in filing grievances.

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1. Employee Grievances

The Human Resources Department will assist any employee in understanding the grievance procedure. The Grievance Statement Form must be used when submitting an official grievance. The Human Resources Department will act as a neutral and investigative agent rendering advice to both the employee and the department when necessary.

Only one subject will be covered in any one grievance. If a written grievance is submitted, it must contain a clear and concise statement of the grievance by referring to the policy, procedure, regulation, or law that was allegedly violated, the date of the violation or incident, the issue involved, and the relief the grievant is seeking.

2. Terminated Employees

When claiming a violation of civil rights or an illegal activity, a terminated employee must submit in writing to the Director of Human Resources, within five (5) working days of termination, a detailed summary of the civil rights violation or illegal activity.

3. Grievance Steps

The following steps should be followed to ensure prompt and orderly handling of all grievances:

STEP ONE

(a) An employee should discuss the grievance (problem) with his/her immediate supervisor and department head within five (5) working days from the date of awareness of actions or conditions giving rise to the grievance, after which, a dispute resolution plan should be agreed upon by both the employee and supervisor within five (5) working days.

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- (b) Step One is intended as an initial dispute resolution phase before filing a formal written grievance. This step should be conducted as an interest-based, collaborative problem-solving process between the employee and supervisor with the purpose of preserving the working relationship.
- (c) During the dispute resolutions process, the following should occur:
 - (1) COMMUNICATE ABOUT THE ISSUE -- Talk and listen with the goal of understanding the issue that needs to be addressed and the interests of all participants.
 - (2) IDENTIFY INTERESTS -- Determine what concerns underlie each person's position and define the problem in terms of the interests of all parties concerned.
 - (3) GENERATE OPTIONS -- Create a non-threatening environment and generate ways to solve the problem that will meet all interests.
 - (4) EVALUATE OPTIONS -- Evaluate the options in terms of their consequences and how they will meet all participants' interests.
 - (5) DEVELOP A PLAN -- A plan should be agreed upon to implement a solution to the problem. The plan should identify specific steps to resolving the problem, assign responsibilities, and provide mechanisms for dealing with problems in the future.
- (d) If the grievance involves an institutional policy or procedure, the grievant or the supervisor may request an explanation of the policy or procedure from the Human Resources Department.
- (e) In the event an employee feels they have been discriminated against involving working conditions or employment status by their supervisor based on age, race, sex, religion, disability, or other criteria prohibited by law, the employee may discuss the problem with the Director of Human Resources, who will assist the employee as needed.

STEP TWO

If a resolution is not reached in Step One, the employee may appeal by putting his/her grievance in writing and submitting it to the Director of Human Resources within five (5) working days after completing Step One. The employee will receive a written response from the Director of Human Resources after an investigation has been conducted. This investigation will be conducted within five (5) working days of the written appeal and a written response issued within five (5) working days thereafter.

STEP THREE

If the grievance is not settled in Step Two, the grievant may appeal by notifying the Director of Human Resources in writing within five (5) working days of the receipt of the Step Two answer. The Vice President will review the case to determine if the appeal will be allowed or denied. If the appeal is allowed, a meeting will be arranged within five (5) working days with the appropriate Vice President to consider the appeal. A written answer will be given to the grievant normally within five (5) working days of this meeting. The Vice President's decision is final and binding except for cases involving alleged civil rights violations and/or illegal acts.

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STEP FOUR

In cases involving alleged civil rights violations and/or illegal acts, a final appeal may be made to the President of Sam Houston State University by notifying the Director of Human Resources in writing within five (5) working days of the receipt of the Step Three answer. The President will review the case to determine if the appeal will be allowed or denied. If the appeal is allowed, a meeting will be set up within five (5) working days with the President, or his designated representative, to consider the appeal. A written answer will be given to the grievant within five (5) working days following this meeting. The President's answer will be final and binding.

4. General Provisions

- a. **TIMELINES** -- The deadlines specified herein may be extended by the Director of Human Resources. A request for extension must be submitted in writing at least one (1) day before the deadline and must include the reason for the request.
- b. **TRANSFER OF FUNCTION** -- If a complaint, whether informal or formal, is directed against a Vice President or the Director of Human Resources, the functions assigned to the person by these procedures will transfer to the President.
- c. **RESORT TO OTHER PROCEDURES** -- If prior to filing a complaint hereunder, or while a formal complaint proceeding is in progress, a complainant seeks resolution of the complaint in any other forum, whether administrative or judicial, the University shall have no obligation to entertain or proceed further with the complaint pursuant to this complaint procedure.
- d. **RIGHT TO ADVISOR** -- The complainant and the respondent each have the right to bring an advisor to the meeting. The advisor may not act as a participant in the meeting but may render consultation to the advisee. If either party chooses to exercise this option, he/she shall submit the name of the advisor in writing to the Director of Human Resources at least forty-eight (48) hours prior to the meeting. If a claimant appears with a representative without having given proper notice, the employer may postpone the meeting until counsel can be consulted.
- e. **RETALIATION PROHIBITED** -- Under no circumstances will the University permit retaliation against an individual in any way as a result of seeking relief under this policy.

Reviewed by: Ted E. Michael, Director of Human Resources – 11/01/2007
Next review: 11/01/2008