

 UNIVERSITY OF DENVER	UNIVERSITY OF DENVER POLICY MANUAL STAFF EMPLOYEE GRIEVANCE POLICY AND PROCEDURES		
<p><u>Responsible Department:</u> Human Resources and Inclusive Community</p> <p><u>Recommended By:</u> Provost, Vice Chancellor of Human Resources and Inclusive Community</p> <p><u>Approved By:</u> Chancellor</p>	<p><u>Policy Number</u> HRIC 3.10.060A</p>	<p><u>Effective Date</u> 11/__/2023</p>	

I. INTRODUCTION

The University recognizes the need for a formal process to supplement the informal departmental means of resolving staff employee problems or complaints. A Grievance may be appropriate when a staff employee’s efforts to solve the problem through discussion with the immediate supervisor have been unsuccessful. A formal Grievance allows a third party to uphold the original action, overturn the action, or determine an alternate binding solution.

This Staff Grievance Policy only applies to staff employees.

II. POLICY OVERVIEW

A. It is the policy of the University to establish an internal staff employee Grievance process for complaints of staff employees related to the terms and conditions of their employment.

B. Grievance:

For purposes of this Policy, a Grievance is a complaint by a University staff employee related to their employment such as:

1. Alleged wrongful termination or demotion;
2. Disagreement regarding application of University Policies;
3. Disagreement regarding a final performance evaluation;
4. Availability or amount of an employee benefit such as holidays,

vacations, or sick leave; or

5. Any other significant matters adversely affecting terms or conditions of employment.
 6. Grievances do not include complaints by employees related to:
 - a. Employees who are covered by a collective bargaining agreement.
 - b. Complaints involving matters prohibited by University Policy EOIX 3.10.010 - Discrimination and Harassment. Such complaints must first be reported to and, if appropriate, investigated or dismissed by the Office of Equal Opportunity and Title IX (EOIX). Thereafter, the Vice Chancellor of Human Resources and Inclusive Community determines in their sole and absolute discretion if there is any matter that should be addressed in the Grievance process separately. The timelines set forth in this Policy shall toll while the matter is reviewed by EOIX.
 - c. Grievance regarding conflict between two staff peers.
- B.** The time limits described below may be extended by either the Provost or the Vice Chancellor of Human Resources and Inclusive Community if extenuating circumstances, such as sickness or accident, should arise.
- C.** Mediation: If both parties to the Grievance agree, an outside party such as a HRIC representative, mediator, colleague, Office of Diversity Equity and Inclusion (ODEI) representative, or University administrator may be invited to mediate the discussion to assist in achieving conciliation at the lowest level possible.
- D.** An administrative decision or action will remain in effect while a Grievance is pending.

III. PROCESS OVERVIEW

A. Procedure for Grieving an Administrative Decision or Action

For a Grievance by a staff employee, the Respondent is the employee's direct supervisor.

1. Step One: Informal Resolution

The Grievant is strongly encouraged to discuss any complaint covered by the Policy and these Procedures with the Respondent and make a concerted effort to resolve the complaint without relying on the formal process outlined below. The discussion should occur as soon as reasonably possible after the Grievant learns of the disputed matter. If both parties to the Grievance agree, an outside party such as a representative from the Office of Human Resources and Inclusive Community, mediator, or University administrator may be invited to mediate the discussion to assist in achieving conciliation.

2. Step Two: Written Grievance to Respondent

If not satisfied with the results of the informal resolution, the Grievant may submit a written Grievance to the Respondent. The Grievance should contain a clear description of the issue(s) involved, any specific University policy or procedure involved, the relevant date(s) the action or decision that is being grieved took place, if known, and any relief being sought. If an informal discussion is not conducted as recommended in Step One: Informal Resolution, the reason an informal discussion was not conducted must be given in the written Grievance.

A copy of the written Grievance and all subsequent written statements produced as a result of the Grievance process, as described herein, must be filed with the Director of Employee and Labor Relations (or designee). A written Grievance may be submitted no later than forty-five (45) days from the date the Grievant learns of the situation giving rise to the grievance. Preceding patterns of actions or decisions may be included in the Grievance, if the Grievant learned of the most recent action or decision in the pattern within the past forty-five (45) calendar days. The Respondent shall respond to the Grievance in writing within ten (10) working days of receipt of the Grievance.

3. Step Three: Appeal

No appeal is possible if the Respondent is the Chancellor or the Provost. If the Respondent is not the Chancellor or the Provost and if the Grievant is not satisfied with the Respondent's written response, the Grievant may appeal to the Respondent's supervisor. An appeal must be in writing and must contain a reasonably detailed description of the issue(s) involved and any resolution being sought. The appeal must also include, as attachments, the original written Grievance from the Grievant and the Respondent's

written response.

The written appeal must be submitted to the Respondent's supervisor within ten (10) working days from receipt of the Respondent's written response. This deadline may be extended by up to an additional ten (10) business days with the approval of the Chancellor.

4. Step Four: Final Resolution

If the Respondent's supervisor is either the Chancellor or the Provost, the decision of the Chancellor or the Provost, or their designee, is final. If the Respondent's supervisor is neither the Chancellor nor the Provost and:

- a.** if neither the Provost nor a Vice Chancellor is in the Grievant's hierarchy of supervisors, the Grievant may appeal the decision of the Respondent's supervisor to the Chancellor. The decision of the Chancellor, or their designee, is final; or
- b.** if the Provost is in the Grievant's hierarchy of supervisors, the Grievant may appeal the decision of the Respondent's supervisor to the Provost. The decision of the Provost, or their designee, is final.
- c.** if a Vice Chancellor is in the Grievant's hierarchy of supervisors and:
 - i.** if the Vice Chancellor is the Respondent's supervisor, the Grievant may appeal the decision of the Respondent's supervisor to the Chancellor. The decision of the Chancellor, or their designee, is final; or
 - ii.** if the Vice Chancellor is not the Respondent's supervisor, the Grievant may appeal the decision of the Respondent's supervisor to the Vice Chancellor. The decision of the Vice Chancellor, or their designee, is final.
- d.** The appeal of the decision of the Respondent's supervisor must be in writing and must include, as attachments, the original written Grievance, the Respondent's written response, the appeal submitted to the Respondent's supervisor, and the response of the Respondent's supervisor.

B. Parties may not add Grievances or complaints to an existing Grievance proceeding after filing a written Grievance.

C. The University in its sole discretion may elect to consolidate Grievances.

- D. The Grievance process is an internal, administrative process. Neither external nor internal legal counsel for either party may be present at the Grievance meetings.
- E. No retaliatory action may be taken against an individual filing a Grievance in good faith or against any persons who furnish the Grievant with any assistance due to their involvement with the Grievance. See University Policy AU DT 18.10.010 - *Retaliation and Whistleblower Protection*.

IV. DEFINITIONS

- A. **“Grievant(s)”** - the person(s) initiating the Grievance. Hereafter, Grievant (in the singular) will be used to designate one or more Grievant.
- B. **“Respondent(s)”** - the person(s) alleged to have carried out the action or made the decision that is the subject of the Grievance. Hereafter, Respondent (in the singular) will be used to designate one or more Respondents.
- C. **“Business Days”** – any day other than a Saturday, Sunday, or a University Holiday (as defined in University Policy HRIC 3.40.050 – *Holidays*).

V. RESOURCES

- A. University Policy EOIX 3.10.010 - *Discrimination and Harassment*
- B. University Policy AU DT 18.10.010 - *Retaliation and Whistleblower Protection*

Revision Effective Date	Purpose
11/__/2023	<i>Policy updated to align with practice and create a separate Grievance Policy for staff</i>