

NON-ACADEMIC GRIEVANCE PROCEDURES

Introduction

The Board of Regents is committed to preserving and improving cooperative and effective work relationships among all University employees. The Board encourages any employee who feels he or she is not receiving fair treatment at the University to use the grievance procedures set forth in this policy. Employees who believe they may have a grievance are encouraged to contact the Human Resources Department at their campus or administrative unit for assistance with interpretation or implementation of this policy. This policy supersedes any college or departmental grievance policies for office-service and managerial-professional employees.

In order that grievances are handled on a consistent basis throughout the University, these procedures are adopted for implementation by the administrative units that compose the University.

Eligibility

All regular managerial-professional and office-service staff who have successfully completed their six (6) month post hire probationary period, and such academic-administrative staff and other academic staff for whom access to established academic grievance procedures is not available (any of whom are referred to herein as a "Staff Member"), are eligible to access the process described in this policy.

Grievance Procedure

For purposes of this policy, a grievance must be based upon a difference arising between the Staff Member and the University as to the interpretation or application of written University policy, rules or procedures relating to terms and conditions of the Staff Member's employment, except that the determination of position classification, salary or wage levels, performance evaluation, reduction-in-force decisions, and terminations of an "employment-at-will" (as that term is defined under Nebraska law) are not subjects covered or deemed grievable under this policy; provided however, that any termination of the "employment-at-will" of a Staff Member must first be reviewed and approved by the Director of Human Resources. (Throughout this policy, any reference to the Director of Human Resources means the Director of the administrative unit where the Staff Member works. Any responsibility or authority assigned to a Director of Human Resources in this policy may be delegated to a member of the Human Resources staff or other appropriate designee.) Terminations which are deemed to be "terminations-for-cause" are grievable under this policy.

Grievances are limited to matters of interpretation and application of University employment policies, rules and procedures; the establishment or substantive content of such a policy, rule or procedure is not grievable. College or Departmental policies and rules may be grieved if the Staff Member can show that the College or Departmental policy or rule is contrary to a University policy, rule or procedure. In such cases, University policies, rules and procedures shall take precedence. The Director of Human Resources for the relevant campus or Central Administration in cases involving Central Administration has the responsibility of interpreting this policy and will determine whether or not a matter is grievable. If a matter is found to be non-grievable, such Director will work with the appropriate parties to try to resolve the concern.

The grievance process described in this policy is an internal, informal process, intended to facilitate open communication and exchange of relevant information and to allow for a meaningful, honest review of the grievance. In order to promote the informal and open exchange of information, attorneys (whether or not they are acting in the capacity of the Staff Member's lawyer) shall not be permitted to participate in meetings or physically accompany either the University representatives or the grieving Staff Member throughout this process. Other venues are better suited to accommodate the formalities interjected by legal counsel. A non-lawyer advisor may not actively participate in the process; e.g. presenting evidence and directing questions to or otherwise communicating with supervisors, panel members or University representatives are not permitted activities. No activity or documentation arising as a result of this policy is deemed to be subject to Public Records laws or Open Meetings laws, unless University legal counsel advises otherwise. The Staff Member alleging a violation of policy is encouraged to informally discuss the matter with his/her immediate supervisor in an attempt to reach a resolution prior to initiating a formal grievance. No audio or video recordings shall be made in relation to the processes described in this policy.

Step 1: Appeal To The Immediate Supervisor

If the discussion surrounding the alleged incident or occurrence does not resolve the matter to the satisfaction of the Staff Member, the Staff Member may file a formal grievance with his/her immediate supervisor and the Director of Human

Resources within twenty (20) workdays following the discussion.

If the grievance is based in any part upon the immediate supervisor's acts, the Staff Member may present the written grievance solely to the Director of Human Resources who will determine whether the immediate supervisor or another individual associated with the Staff Member's work area is more appropriate to respond to the grievance.

The written grievance shall specify:

- the exact nature of the alleged grievance;
- details regarding the policy, rule, or procedure allegedly violated;
- the specific remedy requested;
- a specific statement that the Staff Member wishes to initiate a grievance pursuant to the procedures contained in this policy.

While supporting information or clarification may be requested or presented in subsequent steps of the grievance process, the Staff Member is responsible for identifying all issues and allegations relevant to the grievance in this writing. No additional matters may be raised once the written grievance is filed with the Director of Human Resources. Additional allegations or requested remedies may be addressed only through a separate grievance process. At the discretion of the Director of Human Resources, multiple grievances filed by one or more Staff Members may be combined into a single grievance, if such an action promotes a more meaningful review of the matter.

Within ten (10) workdays of receiving the written grievance, the immediate supervisor (or other individual designated by the Director of Human Resources) will draft and deliver to the grieving Staff Member a written response to the written grievance. The person writing the response may confer with a Human Resources representative, his/her supervisors or other parties relevant to the grievance, as needed.

Step 2: Appeal To The Next Level Supervisor

Should the Staff Member remain dissatisfied, he/she may, within five (5) workdays of receiving the Step 1 written response, submit a written request to the Director of Human Resources to appeal to the "next-level supervisor". The request to appeal shall include a clear explanation of why the Staff Member disagrees with the Step 1 response. (*Due to the complexity of the University's organizational structure, the Director of Human Resources shall have the authority and discretion to determine the person best suited within the Staff Member's work unit to serve as the "next-level supervisor".*)

The Director of Human Resources shall deliver to the next-level supervisor the Step 1 written grievance and response, along with the Step 2 written request to appeal. The next-level supervisor shall review those documents and may gather such other information from such sources as he/she deems necessary and relevant to the appeal. After considering all of the relevant information, the next-level supervisor shall render a written decision. This decision must be submitted to the Director of Human Resources within fifteen (15) workdays following receipt of the Staff Member's request to appeal. The Director of Human Resources shall promptly deliver the decision to the Staff Member.

Step 3: Appeal To The Chancellor/President Through A Grievance Panel

Should the Staff Member remain dissatisfied, he/she may, within five (5) workdays of receiving the Step 2 decision from the next-level supervisor, submit a written request to the Director of Human Resources to appeal through a Grievance Panel to the President (for Staff Members employed at Central Administration) or to his/her Chancellor (for Staff Members employed at a campus). The request to appeal shall include a clear explanation of why the Staff Member disagrees with the Step 2 decision.

A Grievance Panel will be appointed by the President or the Chancellor, as applicable, and shall be composed of three (3) full-time employees, at least one of which shall be of the same employment category (Academic-Administrative, Office-Service or Managerial-Professional) as the grieving Staff Member. No one with a personal or professional interest in the outcome of the grievance is qualified to serve on the Panel. The Panel members shall select a chair from among themselves. (*In accordance with their individual modes of governance, administrative units may or may not establish standing committees or pools eligible to stand for appointment to the Panel.*) The grieving Staff Member and his/her supervisor(s) shall be promptly notified of the composition of the Panel.

Within five (5) workdays of receiving notice of the appointments to the Panel, the grieving Staff Member or his/her supervisor(s) may notify the Director of Human Resources in writing of any reason why any member of the Panel is not qualified to serve. The Director of Human Resources shall consult with the Chancellor or the President, as applicable, regarding the Panel composition. In the Chancellor's or President's discretion, another appointee may be substituted, if it is determined the grievance process would be better served by another person.

The Panel will meet with the Staff Member, the immediate supervisor and any other person deemed by the Panel to have relevant information about the subject of the grievance. The Panel may gather such information from such sources as are available and meaningful to the appeal. The activities and deliberations of the Panel are not open to the public. The Panel's work will be confidential, except to the extent the Panel's work must be revealed to those with a legitimate need to know (e.g. Staff Member's supervisors, persons with information relevant to the grievance, Human Resources staff). The Panel will be guided by University policy in reaching its decision. Irrelevant or exceedingly redundant information may be excluded from its consideration. The Panel shall not supplement, subtract or otherwise alter the content of the allegations contained in the grievance; nor is it authorized to impose or recant sanctions. The Panel acts only in an advisory capacity to the President or relevant Chancellor.