

Non-Academic Employee Grievance Policy

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Scope

All regular managerial-professional and office-service staff who have completed their six-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 (referred to herein as a “Staff Member”), are eligible to access the process described in this policy.

Policy Statement

The University of Nebraska at Omaha (UNO) is committed to preserving and improving cooperative and effective work relationships among all university employees. The Board encourages any employee who feels they are not receiving fair treatment at the university to use the grievance procedures outlined in this policy.

Employees who believe they may have a grievance are encouraged to contact the Human Resources Department for assistance with the interpretation or implementation of this policy. This policy supersedes any college or departmental grievance policies for office-service and managerial-professional employees. So that grievances are managed consistently throughout the University, these procedures are adopted for implementation by the administrative units that compose the University.

Reason for Policy

UNO to be in compliance with Board of Regents policy (section 3.3.4) which establishes a grievance process for non-academic employees.

Procedures

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.

A Staff Member may grieve the following employment actions under the UNO process:

- Application of written UNO policies, rules or procedures relating to terms and conditions of employment.
- Corrective/Disciplinary action notice of work product deficiency or of inappropriate workplace behavior.
- Suspension without pay.
- Termination for cause.
- Equal Employment Opportunity Issues.

The following issues are exceptions to the grievance policy, and therefore are not grievable:

- The determination of position classification, salary, or wage levels.
- Performance evaluation.
- Reduction-in-force decisions.
- Terminations of employment-at-will.
- Verbal Warning/First step disciplinary actions or coaching.

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. 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 accompany a grieving Staff Member throughout the process to provide advice and support. The 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 their 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.

The Assistant Vice Chancellor for Human Resources has the responsibility of interpreting this policy and will determine whether a matter is grievable. If a matter is found to be non-grievable, the Assistant Vice Chancellor for Human Resources will collaborate with the appropriate parties to try to resolve the concern.

The Grievance Process

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 their immediate supervisor and the Assistant Vice Chancellor for 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 Assistant Vice Chancellor for 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; and
- a specific statement that the staff member wishes to initiate a grievance according 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 Assistant Vice Chancellor for Human Resources. Additional allegations or requested remedies may be addressed only through a separate grievance process. At the discretion of the Assistant Vice Chancellor for 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 Assistant Vice Chancellor for 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, their supervisors, or other parties relevant to the grievance, as needed.

Step 2: Appeal To the Next Level Supervisor

Should the staff member remain dissatisfied, they may, within five (5) workdays of receiving the Step 1 written response, submit a written request to the Assistant Vice Chancellor for Human Resources to appeal to the “next-level supervisor.” The request to appeal must 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 Assistant Vice Chancellor for 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 Assistant Vice Chancellor for 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 other information from such sources as they deem 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 Assistant Vice Chancellor for Human Resources within fifteen (15) workdays following receipt of the staff member’s request to appeal. The Assistant Vice Chancellor for 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, they may, within five (5) workdays of receiving the Step 2 decision from the next-level supervisor, submit a written request to the Assistant Vice Chancellor for Human Resources to appeal through a Grievance Panel to the Chancellor. The request to appeal must include a clear explanation of why the staff member disagrees with the Step 2 decision.

A Grievance Panel will be appointed by 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. The grieving staff member and their 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 their supervisor(s) may notify the Assistant Vice Chancellor for Human Resources in writing of any reason why any member of the Panel is not qualified to serve. The Assistant Vice Chancellor for Human Resources shall consult with the Chancellor, as applicable, regarding the Panel composition. At the Chancellor’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 Chancellor.

Timelines

The amount of time for filing and decision-making under this policy is intended to provide a prompt, thorough, review and resolution of grievances. Parties must adhere to this timeline to ensure the benefits of participating in this process. Should the Assistant Vice Chancellor for Human Resources determine that special circumstances or the nature of the grievance are such that additional time will allow for a more meaningful, well-supported resolution, they may, in writing, grant an extension of a specific amount of time and deliver such extension to all parties with a need to know.

If the staff member does not submit a written request to move the grievance forward within the specified time period and is not granted an extension before the passing of that deadline, it will be assumed the staff member is satisfied and the grievance will be discontinued.

If the immediate supervisor, the next-level supervisor, or the Panel fails to deliver a written response or decision within the specified time period and is not granted an extension of time before the passing of that deadline, the grievance will automatically advance to the next level of review.

The Assistant Vice Chancellor for Human Resources shall record and maintain the timeline associated with each grievance.

Delegation

Duties within this policy assigned to the Chancellor or Assistant Vice Chancellor for Human Resources may be carried out by a designee of their choosing.

History

This policy was originally developed and approved prior to the implementation of the campus policy development and approval process approved by the Chancellor's Cabinet in October 2015.

02.26.26: Proposed draft revision to include, but not limited to, the following: The new policy updates language and clearly states compliance with Board of Regents requirements. It more clearly defines what is grievable, prohibits recordings, and assigns interpretive authority to the Assistant Vice Chancellor for Human Resources. It also formalizes procedures, adds structured timeline rules, and clarifies delegation authority.