

UNIVERSITY of HOUSTON
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Human Resources
AREA: Employee Relations

Number: 02.04.01

SUBJECT: Employee Grievances

I. PURPOSE AND SCOPE

This document describes the grievance process for addressing non-faculty employee grievances handled by the University's Department of Human Resources (Human Resources).

Grievances based on allegations of discrimination and/or sexual harassment are handled by the University's [Office of Equal Opportunity Services \(EOS\)](#) and not pursuant to this policy. Non-disciplinary terminations (as defined in this policy) are not covered under this policy.

Guidelines governing faculty grievances can be found in the [Faculty Handbook](#).

Intimidation, harassment, coercion or reprisal in any form against any employee for presenting the grievance or for participating, or assisting another employee in the presentation of a grievance pursuant to this policy is strictly prohibited.

II. DEFINITIONS

- A. Human Resources Representative: The Human Resources Generalist assigned to the college or division in which the employment action occurred or his/her designee.
- B. Regular Employee: A non-faculty, non-probationary university employee who is employed for at least 20 hours per week on a regular basis, excluding students employed in positions which require student status as a condition of employment. Referred to herein as "employee."
- C. Grievant: A non-probationary staff employee who files a grievance under this policy.
- D. Grievance: An employee's formal expression of disagreement or dissatisfaction with employee-related concerns, which include wages, hours of employment or conditions of work.

III. THREE LEVELS OF THE GRIEVANCE PROCESS

There are three levels to the grievance process as follows:

- A. Level One – Meeting With Supervisor: Employees must discuss his/her issue(s) with his or her immediate supervisor or the next higher supervisory authority. This process is available for all employees relating to wages, hours of employment or conditions of work, including work performance-related issues.
- B. Level Two - Mediation Process: The use of the Human Resources mediation process to promote understanding, reconciliation and settlement of a grievance. A regular employee can only use the Mediation Process to resolve grievances related to written reprimands, final reprimands, suspensions without pay, demotions, involuntary transfers to another job classification, and terminations.

- C. Level Three - Hearing Panel Review: A group of three (3) staff members chosen by the Human Resources Representative or his/her designee who will attend the appeal hearing and render a decision as to whether the grievable employment action was arbitrary, unfair, or inconsistent with University policy and/or practice. The hearing panel will consist of two (2) staff level employees from outside the grievant's department and one (1) management level employees from outside the grievant's department. The Hearing Panel Review will only address grievances for a regular employee related to suspensions without pay, demotions, involuntary transfers to another job classification, and terminations.
- D. Non-Disciplinary Terminations – Involuntary terminations for a non-disciplinary reason to include: terminations of probationary employees; terminations due to lack of work or funds; terminations or demotions due to redesigning jobs; and changes in the organizational structure. See [MAPP 02.04.06](#) (Reduction in Force).

IV. PROCEDURES AND RESPONSIBILITIES

A. Level One – Meeting With Supervisor

1. The first level in the grievance process is available to all employees.
2. An employee must initiate the grievance process by requesting a meeting with his/her supervisor to discuss the issues within five (5) working days of the action. An employee who fails to initiate the grievance process will forfeit his/her right to proceed to the next levels of the grievance process, if available.
3. The meeting requested by the employee shall take place within five (5) working days of the employee's request for a meeting. Employees and supervisors engaged in the grievance process should make reasonable efforts to resolve the issues efficiently and expeditiously. This procedure should be conducted as an interest-based, collaborative problem-solving process between the employee and supervisor with the purpose of preserving the work relationship. If the supervisor is not available during the time required for the meeting to take place or the grievant feels that they are unable to discuss the issue with their immediate supervisor, the grievant shall meet with the next higher supervisory authority or designee within the five (5) working day period referenced in this Section IV. The supervisory authority who meets with the employee shall make a final decision at the meeting or within two (2) working days following the meeting.
4. If the employee's grievance is not resolved at the first level of the grievance process and the employment action was a written reprimand, final reprimand, suspension without pay, demotion, involuntary transfer to another job classification, or termination, a regular employee may proceed to the second level in the grievance process, the Mediation Process. For all other employment actions, the first level in the grievance process is the final step.

B. Level Two – Mediation Process

1. The second level in the grievance process is only available to a regular employee.
2. The purpose of the Mediation Process is to open and/or improve dialogue between the supervisor and the grievant and to facilitate an agreement between the parties regarding the disputed matter.

3. The employee must submit a written request for mediation to Human Resources within five (5) working days from the date of the employee's meeting pursuant to the first level in the grievance process. Human Resources will schedule the mediation within five (5) working days of the employee's request for mediation. The employee's written request for mediation should identify the employment action and expected outcome of the mediation. A regular employee who fails to initiate the first and second level in the grievance process forfeits his/her right to proceed to the third level in the grievance process, the Hearing Panel Review.
4. If the employee's grievance is not resolved during the Mediation Process and the employment action was a suspension without pay, demotion, involuntary transfer to another job classification, or a termination, the regular employee may proceed to the third and final level in the grievance process, the Hearing Panel Review. For all other employment actions, the Mediation Process is the final step in the grievance process.

C. Level Three – Hearing Panel Review

1. If a grievance is not resolved through the mediation process, a regular employee may, but is not required to, proceed with a Hearing Panel Review.
2. In order to proceed with a Hearing Panel Review, the employee must complete a written, signed, Hearing Panel Review Form which may be obtained from the Human Resources Department. The Hearing Panel Review Form must be submitted by the employee to Human Resources within five (5) working days following the conclusion of the Mediation Process. The information supplied by the grievant on the Hearing Panel Review Form must include, in detail, the reasons the employee believes the actions of the supervisor or person responsible for the employment action were arbitrary, unfair, or inconsistent with University policy and/or practice, as well as the names of any witnesses who have knowledge of the employment action and/or any relevant documentation. Within two (2) working days of receipt of the employee's Hearing Panel Review Form, the Human Resources Representative will notify the employee's supervisor and provide the supervisor a copy of the employee's Hearing Panel Review Form.
3. Hearing Panel Review Procedures
 - a. The hearing will be conducted within a reasonable period after receipt of the grievant's written appeal. The designated Human Resources Representative will send a notice confirming the date, time, and place of the hearing to the grievant, respondent, and members of the Hearing Panel no later than ten (10) working days prior to the hearing.
 - b. No later than five (5) working days prior to the hearing, the parties shall submit the following information to the designated Human Resources Representative; a summary of the party's position, a list of witnesses to be called during the hearing, and any documentation to be presented to the hearing panel. There will be a simultaneous exchange of this information between the parties, which will be facilitated by the designated Human Resources Representative. Any rebuttal information shall be provided to the designated Human Resources Representative within two (2) working days of the hearing, and the designated Human Resources Representative will facilitate the exchange of any such rebuttal information. Neither party is allowed to provide any

documentation, or present any witnesses that were not provided to the designated Human Resources Representative by the deadlines referenced in this section.

- c. Both the grievant and the respondent shall have the right to an advisor or counsel of their choice who may provide advice and attend the hearing, but may not speak on behalf of the grievant, question witnesses or the hearing review panel, or provide an opening or closing statement. The parties must provide the designated Human Resources Representative with the names of any counsel that will be present at the hearing no later than five (5) working days prior to the hearing.
- d. The purpose of the hearing panel is to ensure that the action of the supervisor or other person responsible for taking the employment action was not arbitrary or unfair and was consistent with University policy and practice.
- e. The designated Human Resources Representative will facilitate the hearing. After a hearing panel is selected by human resources, the membership of the panel will be provided to the grievant and the respondent. Both parties have the right to challenge one member of the hearing review panel for due cause. This challenge should be submitted by the challenging party in writing to the Associate Vice President for Human Resources or his/her designee within two (2) working days of the challenging party's receipt of notice of the membership of the hearing review panel. The Associate Vice President for Human Resources will determine the validity of the challenge. If the challenge is sustained, then another member of the hearing review panel will be appointed.
- f. During the hearing, all parties shall be afforded reasonable opportunity for oral opening and closing arguments and for presentation of relevant witnesses, cross examination of witnesses, and presentation of relevant documentary evidence.
- g. The hearing review panel shall have the right to question any and all witnesses, and to examine documentary evidence presented. Witnesses shall not be present during the testimony of any party or other witness.
- h. The date of the hearing must be adhered to except for unusual or extraordinary circumstances which must be presented in writing as soon as possible to the Associate Vice President for Human Resources.
- i. At the conclusion of the hearing, the hearing review panel shall deliberate in closed session.
- j. The hearing review panel members will convene to deliberate their findings and arrive at a majority recommendation as to whether to uphold or overturn the employment action. The recommendation shall be communicated to the Human Resources Representative on the day of the hearing or within two (2) working days of the hearing. The Human Resources Representative will have two (2) working days after receipt of the hearing panel's decision to submit the panel's decision to the Vice President of that employee's division.

4. Vice President Action

- a. When an employee files a grievance against a Vice President, the Associate Vice President for Human Resources may assign the final decision to another Vice President from outside the employee's division.
- b. Within five (5) working days from the receipt of the panel's decision, the Vice President will take action on the recommendation. He or she may accept the recommendation of the panel, enter a decision different from that of the panel, or return the case to the panel with instructions to rehear the case, conduct further deliberations, or answer specific questions.
- c. If the case requires further deliberation or rehearing, the Associate Vice President for Human Resources will establish new time schedules and communicate them to all members of the panel.
- d. Otherwise, the Vice President will make a decision and forward it to the Human Resources Representative, who will notify the employee in writing.
- e. The Vice President's decision is final and not appealable.

V. POLICY TIMELINES

The Associate Vice President for Human Resources may extend any deadlines contained in this policy based on extenuating circumstances.

VI. GENDA/Title IX Statement

The policy of the University of Houston System and its components is to ensure equal opportunity in all its educational programs and activities, and all terms and conditions of employment without regard to age, race, color, disability, religion, national origin, veteran's status, genetic information, or sex (including pregnancy), except where such a distinction is required by law. Additionally, UH System prohibits discrimination in all aspects of employment and educational programs on the basis of sexual orientation, gender identity, or gender expression. For the UH System's Official Non-Discrimination Statement, see [SAM.01.D.05 – Equal Opportunity and Non-Discrimination Statement](#).

VII. REVIEW AND RESPONSIBILITY

Responsible Party: Senior Vice President for Administration and Finance

Review: Every five years on or before August 31

VIII. APPROVAL

Jim McShan

Senior Vice President for Administration and Finance

Renu Khator

President

Date of President's Approval: February 8, 2019

IX. REFERENCES

[UH System Administrative Memorandum \(SAM\) 02.A.05 - Employee Relations, Grievance and Appeal](#)

REVISION LOG

Revision Number	Approved Date	Description of Changes
1	10/13/1992	Initial version (Originally a MAPP Policy and Procedure)
2	01/07/2000	Applied revised MAPP template. Integrated the policy and the procedure in to one document. Contents were revised to comply with current university policies and procedures regarding employee grievances
3	04/07/2008	In Section I, the formal procedure must be initiated in 10 working days of the grievance action. The definition of Grievance in Section II.C was redefined; the definition of Appeal Board was added. Sections III and IV were revised to reflect current operating practices. The responsible party changed from Human Resources to the Associate Vice President for Finance; the review period changed from July 1 st to August 31 st
Interim	03/30/2011	Interim designation based on Texas Workforce Commission audit in 04/2011. Applied revised MAPP template and new Revision Log. Section I was revised to remove specific details of the grievance process. Added Human Resources Representative and removed Post Dismissal Appeal terms from Section III, and reordered and redefined all other terms in the section. Section III and IV were rewritten to reflect current operating requirements. The responsible party changed from the AVP of Finance to the EVC/EVP of Administration and Finance

Revision Number	Approved Date	Description of Changes
4	05/29/2012	Updated the Revision Log. Removed Cabinet Officer and Grievable Action from Section II; added Grievant. Removed Formal and Informal Grievance Processes. Added Section III on three levels of grievance process. Added Section III.D on Non-Disciplinary Terminations. Added Hearing Panel Review procedure in Section IV.C. Added Vice President Actions to Section IV.C.4. Added Section V. Policy Timelines. Removed Index Terms. This MAPP is being submitted for review and approval to remove the Interim designation
5	09/30/2015	Changed Executive Director, Human Resources to Assistant Vice President for Human Resources throughout text. No additional redlines were indicated by Subject Matter Expert (SME)
6	06/29/2016	Provided updated GENDA and non-discrimination information in Section VI per U.S. Department of Education's Office for Civil Rights request. Updated titles and links throughout text
7	02/08/2019	Updated links and titles as applicable. Changed review period from every three years to every five years on or before August 31. No additional redlines were indicated by the Subject Matter Experts (SMEs)