

Complaint and Grievance Procedure for Nonfaculty Personnel

Summary/Purpose: The grievance procedure for when a permanent non-faculty employee perceives that an unfair act has occurred which leads to an injustice or harm is given.

Purpose:

It is the intent of The University of Mississippi to establish a procedure for the fair, orderly, and speedy resolution of disputes that sometimes arise between supervisors and employees. In order to provide fairness and equity in the workplace, the University has established an internal review procedure that is accessible to all permanent employees. This shall serve as the University procedure for the resolution of job-related complaints and grievances.

The grievance procedure does not take the place of appeal procedures for employees who believe they have been subject to discrimination in matters of employment. Neither does it address matters of sexual harassment. Matters involving discrimination or sexual harassment should be taken to the Office of Equal Opportunity and Regulatory Compliance.

Applies to:

All permanent, nonacademic University of Mississippi employees except student employees, probationary employees, Postdoctoral Research Associates, and temporary employees.

Definition:

For purposes of this policy, a grievance is the claim of an individual employee that there has been a violation, misinterpretation or misapplication of a rule, policy or procedure in relation to personnel policies, including working hours, working conditions, leaves, promotions and other conditions of employment.

Nongrievable Issues:

Employees do not have the right to appeal through the grievance process (a) issues related to salary, (b) a supervisor's evaluation of performance, (c) determination of classification, (d) suspensions or reprimands.

Where there is a question of application, the Department of Human Resources will determine whether or not an issue may be appealed through the grievance process. If a matter is found nongrievable, Human Resources will work with the appropriate office to try and resolve the issue.

Informal Resolution:

The mutual interest of both the university and employees is best served when there is regular, forthright communication. Employees should bring to the attention of their immediate supervisor

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any work-related problems as soon as possible after they arise. An employee who believes a justifiable job-related complaint exists shall take steps to resolve the problem in a discussion with the immediate supervisor. The employee and the supervisor shall attempt to resolve the problem at this level.

Should informal attempts at resolution not be satisfactory, and with the mutual agreement of the employee and the supervisor, the Mediation Procedure may be utilized. The employee or the supervisor may seek the assistance of Human Resources in the use of mediation.

Human Resources representatives may be contacted for informal counseling if the employee believes he or she cannot approach the supervisor with the problem. A Human Resources representative may meet with the employee, the supervisor, or both as may be appropriate, to assist in amicably resolving their differences. Human Resources will also provide advice on matters of policy interpretation, rights of employees and supervisors, and use of the formal grievance procedure.

Records:

The official records of the progress of a grievance and the established time limits are kept by Human Resources. Therefore, a dated copy of the grievance form must be provided to Human Resources each time a section has been completed (employee, supervisor, or department head).

Time Limitations:

The grievance procedure sets forth time limits for initiation of action on each step of the procedure. If a grievance is not forwarded by the employee within the time allowed in any step, the grievance will be considered discontinued, and no further review will take place. A written grievance which is not answered within the time allowed may be sent on to the next step within the allotted time frame by the employee. Human Resources may extend any time limit in the grievance process with the mutual agreement of the parties.

STEP I Grievance Procedure

Department Head:

If the problem is not resolved to the satisfaction of the employee in the informal resolution stage, an employee may then file a formal grievance. The grievance must be in writing, signed by the employee, and submitted to the department head, with a copy to Human Resources, within 5 working days⁽¹⁾ of the occurrence which gave rise to the grievance or when the facts pertaining thereto became known or should have been known to the employee.

¹The term "working days" as it appears throughout this document is defined to include the period from Monday through Friday of each week, excluding those days which are designated as holidays by the official University calendar or by action of the Chancellor.

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Within 5 working days from receipt of the written grievance, the department head or his or her designated representative will schedule a meeting with the employee, the immediate supervisor, and any other individuals the department head determines will assist in the investigation and resolution of the problem. If possible, the department head will resolve the problem at this meeting. The meeting shall be held within 15 working days from receipt of the written grievance.

The department head will provide the employee with a written answer within 5 working days after the completion of this meeting and will forward a copy of the grievance and answer to Human Resources.

STEP II

Hearing:

If the issue is not resolved in Step I, the grievant may, within 5 working days from receipt of the Step I response, file a written appeal with the Director of Human Resources.

The Director of Human Resources or other official designated by the Director will, within 5 working days from receipt of the written appeal, schedule a hearing with the Personnel Action Review Board. Such hearing shall be held within 15 working days of receipt of the written appeal.

Review Board:

The Personnel Action Review Board consists of one senior administrator (department head or above), one member of the Staff Council and one additional member appointed by the Chancellor. The Staff Council shall designate five members each year for the Board. From these five, the senior administrators, and other employees, the Chancellor will select the Board. No member of the Board shall be from the department of the employee filing the grievance.

The Director of Human Resources or his/her designee shall serve as the hearing officer in a nonvoting capacity. The Director of Human Resources will notify the other members of the Board and will schedule a hearing as expeditiously as possible. In no case will this be more than 15 working days after the initial meeting.

Hearing Procedure:

The hearing will be conducted as an administrative hearing without restrictions as to the technical rules concerning evidence and burden of proof. It will, however, avail the employee the right to present witnesses and other evidence and the right to confront and cross-examine witnesses. Both the employee and the department representative may be accompanied by an advisor or legal counsel of their own hiring. The advisor or legal counsel may not participate directly in the hearing. The hearing will be closed and confidential minutes of the proceedings will be made.

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Upon completion of the hearing, the Board will have 5 working days in which to make a final decision. The decision will be promptly communicated, in writing, to the employee and the administration within 5 working days by the Director of Human Resources. The Director of Human Resources will notify the appropriate Vice Chancellor of the Board's decision. It shall be the responsibility of the Vice Chancellor and department head to effect the action(s) handed down by the Board.

STEP III

Appeal to Chancellor:

Decisions of the Personnel Action Review Board may be appealed to the Chancellor. An appeal must be filed within 5 working days of the date the employee receives notification of the Board's decision. The employee will be notified within 5 working days of the decision of the Chancellor. All decisions of the board will be subject to review by the Chancellor. The decision of the Chancellor is final. There is no right of appeal to the Board of Trustees.

Effect of Grievance on Management Action And Employee Status:

Filing a grievance does not delay the effective date of any employment action by The University of Mississippi. Filing a grievance in and of itself will not jeopardize the grievant's position, opportunities for advancement, or salary increases.

An Employee shall not be coerced by the department or by other employees in regard to proceeding with a grievance or appearing as a witness before the Personnel Action Review Board.

The grievance record will not become part of the employee's permanent personnel file.

The employee will be paid at his/her regular rate for reasonable time spent, with advance permission, in discussion with supervisory or administrative personnel, or the Personnel Action Review Board.

University of Mississippi policy forbids retaliation against any employee based solely upon the employee's participation in the grievance procedure.

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Nonfaculty Grievance Report

Name of Employee _____ Date of Grievance _____

STATEMENT OF REASON FOR GRIEVANCE

Employee's Signature

Director of Human Resources

REPORT OF DEPARTMENT HEAD

Date of Meeting _____

Department Head's Decision _____

Department Head's Signature

Date of Signature

Review Board Request Yes____ No____

Director of Human Resources

PERSONNEL ACTION REVIEW BOARD

Date of Board Review _____

Board's Decision _____

Date Employee Notified

Chair of Board's Signature

CHANCELLOR'S REVIEW

Date of Appeal _____

Chancellor's Decision _____

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Date Employee Notified

Chancellor's Signature