GRIEVANCE PROCEDURE FOR STAFF EMPLOYEES
APM 5.05 (Revised 5/2012)

A. PURPOSE

The procedures described herein are designed to resolve staff grievances in a fair and prompt manner. This policy applies to staff employees only. A staff employee is any employee working at least one-half time other than one holding faculty rank and those employees who are required to be students as a condition of employment. Exceptions to this policy must be approved by the President.

No employee shall be disciplined, penalized, restrained, coerced, or otherwise prejudiced in employment for exercising the rights provided for in this procedure.

Every employee shall be entitled to present grievances concerning such individual's wages, hours of work, or conditions of work individually or through a representative that does not claim the right to strike. Except where otherwise stated in this grievance procedure, employees may represent themselves or be represented by a fellow employee or other representative, with the exception of an attorney, while exercising any of the rights provided for by this grievance procedure. Those cases where criminal charges are pending as a result of a work-related incident are not applicable under this procedure.

B. RESPONSIBILITY

It shall be the responsibility of each person affected by this grievance procedure to take appropriate methods to carry out all of its instructions.

C. GREIVANCE PROCEDURES

All employees having problems arising from a work-related incident or condition, are strongly encouraged to discuss the problem with their immediate supervisor (the individual who supervises the day-to-day work of the employee). Every effort should be made to promptly resolve the problem through this informal process. However, if this process does not resolve the problem, the problem may be presented officially as a grievance in accordance with the following procedures. The individual filing the grievance must first contact Human Resources to obtain instructions and a Grievance Presentation Form.
1. Step One

Within twenty (20) working days after the date of awareness of the incident or condition giving rise to the grievance, the grievant may present the details of the incident in writing on a Grievance Presentation Form to Human Resources. Human Resources will provide a copy to the individual against whom the grievance is filed. Human Resources will schedule a meeting with the grievant, the individual against whom the grievance is filed and the supervisor of the grievant. No other individual or representative may be present at this meeting, except for a Human Resources Representative who may act as a neutral party unless any of the parties involved request, in writing, that the Human Resources Representative not be present. The purpose of this meeting is to discuss the grievance and to resolve the issue at this level. Regardless of the meeting's outcome, the immediate supervisor will inform Human Resources, in writing, of the decision made within three (3) working days of the hearing the grievance. The Human Resources Representative will provide copies of the decision to all parties involved in the grievance through this step.

2. Step Two

If the decision of the immediate supervisor is not satisfactory, the grievant may appeal, in writing, on the original Grievance Presentation Form, to the department head within three (3) working days after receipt of the Step One decision. Copies are to be furnished to the immediate supervisor and Human Resources. The department head shall meet promptly with the grievant, the individual against whom the grievance is filed, the grievant's immediate supervisor, and any representative permitted under this procedure. The purpose of this meeting is to discuss the grievance and, if possible, resolve the issue at this level. Regardless of the meeting's outcome, the department head will inform Human Resources, in writing, of the decision made within three (3) working days of hearing the grievance. Human Resources will provide copies of the decision to all parties involved in the grievance through this step. If an intermediate level of supervision exists between the immediate supervisor and the department head the procedure outlined in Step Two will be followed with the intermediate supervisor rather than the department head. If the outcome of the procedure is not satisfactory, Step Two shall be repeated at the department head level.
3. Step Three

If the decision of the department head is not satisfactory, the grievant may appeal, in writing, on the original Grievance Presentation Form, to the next appropriate supervisory level within three (3) working days after receipt of the Step Two decision with copies furnished to all previous levels of supervision and Human Resources. When a grievance is appealed to a dean or director to whom a department head reports, the dean or director shall meet promptly with the grievant, the individual against whom the grievance is filed, the grievant's department head, and any representative permitted under the procedure. The purpose of this meeting is to discuss the grievance and, if possible, to resolve the issue at this level. Regardless of the meeting's outcome, the dean or director will inform Human Resources, in writing, of the decision made within three (3) working days of hearing the grievance. Human Resources will provide copies of the decision to all parties involved in the grievance through this step. If no level of supervision exists between the department head and the administrative official, the decision shall be appealed according to Step Four.

4. Step Four

If the decision of the department head, dean or director is not satisfactory, the grievant may appeal, in writing, on the original Grievance Presentation Form, to the appropriate administrative official within three (3) working days after receipt of the previous step decision with copies furnished to the previous levels of supervision and Human Resources. The administrative official shall meet promptly with the grievant, the individual against whom the grievance is filed, the grievant's department head, dean or director and any representative permitted under this procedure. The purpose of the meeting is to discuss the grievance and, if possible, resolve the issue at this level. Regardless of the outcome of this meeting, the administrative official will inform Human Resources, in writing, of the decision made within three (3) working days of hearing the grievance. The Human Resources will provide copies of the decision to all parties involved in the grievance through this step.

5. Step Five

If the decision of the administrative official is not satisfactory, the grievant may appeal, in writing, on the original Grievance Presentation Form, to
the President within three (3) working days after receipt of the Step Four decision with copies furnished to all previous levels of supervision and Human Resources. At this time the grievant may request, in writing, that a Grievance Review Committee be appointed to hear the grievance. Copies of any such request shall be provided to all levels of supervision of the grievant, the individual against whom the grievance is filed, and Human Resources. The President will review the grievance and provide, in writing, his final decision; or he will provide notification to the Director of Human Resources of his decision to appoint a Grievance Review Committee within five (5) working days after receipt of the grievance. Human Resources will provide copies of the decision to all parties involved in the grievance.

If the President's decision is to review the grievance personally, he will examine the evidence presented by all parties concerned in the grievance, hear all witnesses, and may call additional witnesses if he deems it necessary. Within five (5) working days of hearing the grievance, the President will inform, in writing, the grievant and the individual against whom the grievance is filed of his decision. Human Resources will provide copies of the decision to all parties involved in the grievance through this step.

If the Grievance Review Committee is appointed by the President, it will hold its first meeting to begin investigation of the grievance within (10) ten working days after receipt of the President's notification of appointment. The Grievance Review Committee will examine the evidence presented by all parties concerned in the grievance and may, if it deems necessary, call additional witnesses. Within five (5) working days after the Grievance Review Committee's deliberation, it will inform the President, in writing, of its recommendations.

The President will review the recommendations of the Grievance Review Committee and inform the grievant and the individual against whom the grievance is filed of his decision, in writing, with a copy to Human Resources within five (5) working days after receipt of the Grievance Review Committee's recommendations. Human Resources will provide copies of the decision to all parties involved in the grievance through this step.

D. RULES GOVERNING THIS PROCEDURE

The grievant may request the assistance of Human Resources for an explanation of the grievance procedure and the completion of a Grievance Presentation Form. If requested, a Human Resources Representative, acting as a neutral party, may
render advisory assistance to the grievant, the individual against whom the grievance is filed, and any level supervisor.

1. In all interpretations, constructions, and applications of the provisions of this grievance procedure, the primary principles shall be equity and justice for the individual employee and the achievement of efficiency and an exemplary quality of work by the University for the citizens of Texas.

2. Only one subject matter shall be covered in any one grievance. A grievance must be placed in writing on a Grievance Presentation Form and include: a clear statement of the problem, description of the incident which caused the problem, identification of all individuals involved, the date and location of the incident, and specific relief sought.

3. Once the grievance and requested remedy have been submitted in writing, they may not be amended in any way. Such changes by the grievant shall constitute a dropping of the grievance and initiation of a new amended grievance must be submitted within the original time frame.

4. Temporary employees or employees of less than six months may not use this grievance procedure unless they are alleging discrimination or protesting a health or safety hazard.

5. All time limits stipulated in this grievance procedure may be extended by mutual consent of the grievant and the individual against whom the grievance is filed. The President may extend any time limits without the consent of the grievant or the individual against whom the grievance is filed. Any such extensions must be in writing with a copy furnished to Human Resources.

6. Should a decision not be rendered within the time limits provided for in this grievance procedure, the grievant may immediately proceed to the next step in the procedure.

7. The grievance shall be considered resolved if the decision at any step is not appealed within the stated time limit or extended time limit.

8. The grievant and any University employee acting as representative, shall be allowed time off from regular duties, with pay, for attendance at the scheduled meetings under this grievance procedure by providing written notification to their respective supervisors. Time off with pay will not be
allowed for the employee or the representative to do research or otherwise prepare for meetings with the various appeal level officials or the Grievance Review Committee.

9. The grievant may designate only one representative throughout this procedure. If the grievant elects to have a representative, the name of the representative must be shown in writing on the Grievance Presentation Form submitted at Step Two of the procedure. In addition, if the grievant's representative is representing the grievant on behalf of an organization, the representative must have an officer of that organization complete and sign a statement certifying that such organization does not claim the right to act as the bargaining agent for any group of public employees, nor does it claim the right to engage in strikes or organized work stoppages against the State of Texas or any political subdivision thereof. Copies of this statement must be obtained in Human Resources by the grievant. Appeal supervisors will not meet with or discuss the grievance with any organization representative unless Human Resources has certified such a statement and a copy is attached to the Grievance Presentation Form.

10. Records of grievances and hearings will be maintained by Human Resources.

11. Human Resources shall have the authority for determination if grievances are presented and responded to within the time limits provided for in this grievance procedure.

12. In any case where language may be a hindrance to the resolution of a grievance, an interpreter, mutually agreed upon by the grievant and the individual against whom the grievance is filed, will be designated by Human Resources. For any University employee so designated, time off from regular duties, with pay, for attendance at any scheduled meetings under this grievance procedure will be allowed upon written notification to the interpreter's supervisor. The interpreter may be present at all scheduled meetings including Step One of this grievance procedure.

13. In those instances where the problem being grieved is the direct result of action taken by a University employee serving in an administrative capacity at a level higher than the immediate supervisor, Step One may be handled at the first appropriate supervisory level. Human Resources will assist in determining the appropriate level.
E. THE GREIVANCE REVIEW COMMITTEE

1. The Grievance Review Committee shall consist of three staff employees appointed by the President. At least one member shall hold employment classification comparable to that held by the grievant.

2. The grievant or the individual against whom the grievance is filed may challenge for cause any committee member's ability to objectively hear the grievance. Any such challenge must be made to the President, in writing, within three (3) working days following the date of the President's notification of committee appointments. The President shall rule on all such challenges and notify the grievant or the individual against whom the grievance is filed, in writing, of his ruling within three (3) working days following receipt of the challenge.

3. Before considering a grievance, the Grievance Review Committee may meet informally with a Human Resources Representative and/or the President to determine applicable and related issues and resolve administrative matters. The Human Resources Representative or the President will not discuss the merits of the case with the committee members nor attempt to influence the final determination of the committee.

4. To the extent permitted by law, grievance hearings will be closed, and information related thereto is confidential and available only to those involved.

5. All members of the Grievance Review Committee must be present in order for the committee to conduct any business.

6. The Grievance Review Committee shall agree on the rules of order for conducting business which do not conflict with the rules set forth in this grievance procedure. These rules shall include the following:

   a. The Committee chairperson's opening statement shall include the purpose of the committee and a warning to all present to maintain the confidentiality of matters disclosed during the hearing (if the hearing is closed).

   b. The committee chairperson shall call on the grievant for an
opening statement to be followed by questions from the committee members and/or the individual against whom the grievance is filed.

c. The committee chairperson shall call on the individual whom the grievance is filed against for an opening statement to be followed by questions from the committee members and/or the grievant.

d. The committee chairperson shall ask if the grievant wishes to call any witnesses, any and all of who shall be subject to questions by the committee members and the individual against whom the grievance is filed. Witnesses called shall be allowed in the hearing room only to present their testimony and answer questions.

e. The committee chairperson shall ask if the individual against whom the grievance is filed wishes to call any witnesses, any and all of who shall be subject to questions by the committee members and the grievant. Witnesses called shall be allowed in the hearing room only to present their testimony and answer questions.

f. If, based on the evidence presented, the committee wishes to question witnesses not called by either party, those witnesses may be called upon by majority agreement of the committee.

g. Upon hearing all witnesses, the chairperson shall ask for concluding statements from the grievant and the individual against whom the grievance is filed.

h. After hearing all statements and all witnesses, the committee chairperson shall instruct all persons to leave the hearing room while the committee deliberates.

i. The committee deliberations shall not be recorded. However, all other portions of the Grievance Review Committee hearing will be tape recorded by the committee.

7. All decisions and recommendations of the Grievance Review Committee must go by majority vote of the committee members.

8. The Grievance Review Committee shall submit a written recommendation and report of findings of relevant facts to the President within five (5) working days following the conclusion of the committee deliberations. A
minority written recommendation and report of findings or relevant facts may be submitted to the President by any dissenting committee member within (5) working days following the conclusion for the committee deliberations.

GRIEVANCE PROCESS CHART

<table>
<thead>
<tr>
<th>Steps in Process at Each Appeal Level</th>
<th>Work Days for Grievant to File at Each Step</th>
<th>Work Days for Supervisor to Respond at Each Step</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Immediate Supervisor</td>
<td>20</td>
<td>3</td>
</tr>
<tr>
<td>(2) Department Head</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>(3) Dean or Director</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>(4) Administrative Official</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>(5) President</td>
<td>3</td>
<td>5</td>
</tr>
</tbody>
</table>

The President may decide to appoint a Grievance Review Committee with the following time schedule:

<table>
<thead>
<tr>
<th>Committee Action</th>
<th>Work Days Allowed for Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee Appointed</td>
<td>10</td>
</tr>
<tr>
<td>Committee Holds Review Hearing</td>
<td>10</td>
</tr>
<tr>
<td>Committee Recommendations</td>
<td>5</td>
</tr>
<tr>
<td>President's Final Decision</td>
<td>5</td>
</tr>
</tbody>
</table>
This form is to be used by any University staff employee having a problem arising from a work-related incident. Any employee presenting this form shall be responsible for becoming aware of the University grievance procedure.

**Instructions:** Complete Section I and present to the University Human Resources within twenty (20) working days of the date of incident described in Section I.

### Section I: (To be completed by the employee)

<table>
<thead>
<tr>
<th>Name of Employee</th>
<th>Department</th>
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<tbody>
<tr>
<td>Who is Grievance Filed Against</td>
<td></td>
</tr>
<tr>
<td>Date of Incident</td>
<td>Location of Incident</td>
</tr>
<tr>
<td>Who was Involved</td>
<td></td>
</tr>
<tr>
<td>Description of Incident</td>
<td></td>
</tr>
<tr>
<td>Specific action/relief sought</td>
<td></td>
</tr>
<tr>
<td>Name of Representative (if any)</td>
<td>Date</td>
</tr>
</tbody>
</table>

Signature of Employee Date

### Section II: (To be completed by University Human Resources)

Date this form was received in the Human Resources Time

Name of Supervisor at each Appeal Level:

1. Immediate Supervisor
2. Department Head
3. Dean or Director
4. General Administrative Official
5. President

Employee has been given a copy of the University Grievance Procedure. Employee has been instructed to give this form to the first individual listed above within twenty (20) working days of the date of the incident described in Section I, and to each subsequent person shown within three (3) working days of the date of each previous decision if an agreement is not reached.

Signature, Human Resources Date

Distribution of form: Original to Human Resources, copy to Grievant, copy to Immediate Supervisor, copy to Respondent.
SUL ROSS STATE UNIVERSITY
GRIEVANCE RESPONSE

This form is to be used to answer any University staff employee's grievance presented to a supervisor at any level of appeal.

Instructions: Complete this form and give to the University Human Resources within three (3) working days after hearing the grievance.

Name of Responding Supervisor _____________________________________________
Title ____________________________________ Department _______________________
Name of Grievant _________________________________________________________
Date Grievance Presented to Supervisor _________________________________
Statement of Relevant Facts ______________________________________________
Supervisor's Decision _________________________________________________
Signature of Supervisor _________________________________________________ Date __________________
Distribution of form: Original to Human Resources, copy to Grievant, copy to Respondent, copy to Previous Levels of Supervision.