

UNIVERSITY OF NEW ORLEANS

Grievance Procedure for Unclassified Staff (Non-Faculty)

Effective Date: June 26, 2012

The following procedures are provided for the benefit of unclassified (non-faculty) employees who seek review of administrative actions or decisions that may adversely affect the terms and conditions of employment. Complaints of harassment, discrimination or retaliation must be pursued in accordance with *AP-BA-32.2, Prohibiting Discrimination, Harassment and Retaliation*. Under no circumstances will any employee be retaliated against or penalized for filing a grievance under this policy.

Level One

Level One is an informal complaint made by an employee to the employee's immediate supervisor. When employment-related problems occur, professional dialogue and open discussions are encouraged first between the employee and the employee's immediate supervisor. Informal lines of communication are recommended at this level. As professionals, and to the extent possible, the parties should seek mutually cooperative resolution for the benefit of all concerned. Most problems should be resolved at this level. Accordingly, it is not necessary that every complaint, discussion, or agreement be reduced to writing.

However, a written complaint or memorandum of the complaint should be created under the following circumstances:

1. Upon reaching an agreement, either the employee or the supervisor may prepare a Memorandum of Understanding regarding the complaint and the agreement.
2. If an agreement cannot be reached or if there is no apparent verbal solution for the complaint, the employee may file a written complaint with their immediate supervisor detailing the problem and the desired solution. Within ten (10) working days after the date of receipt of the written complaint, the supervisor is to provide a written response to the employee. If the supervisor does not provide a written response or if the employee does not agree that the response resolves the complaint, the employee may advance the grievance to Level Two.

Level Two

If an employee is not satisfied with the written response to a Level One written complaint, the employee may elevate the grievance to a Level Two. The Level Two grievance level requires a written statement from the employee to the next Management level above the employee's immediate supervisor. This written statement of the employees' grievance must be made within

five (5) working days after the date of receiving a response to the initial written complaint. The grievance must describe the issue in specific detail and the proposed remedy requested, and include copies of all original documentation from Level One.

At Level Two, Management may discuss the matter with the employee, with the employee's immediate supervisor, and/or others that may be necessary to research and resolve the complaint. Within fifteen (15) working days after the date of receipt of the grievance by Management, Management will issue a written grievance response to the employee. A copy of the Level Two grievance response and Level One documentation will be given to the employee's immediate supervisor, with a copy provided to the Office of Human Resource Management, Attention EEO Coordinator.

Level Three

If an employee is not satisfied with the grievance response at Level Two, the employee may advance the grievance to Level Three. Level Three requires a written statement from the employee to the next Management level, which in many cases may be the Department Head, Vice President or President. This written statement of the employee's grievance must be made within five (5) working days after the date of the employee receiving the Level Two grievance response. The grievance must state in specific detail the employees' complaint and requested remedy, the management responses at Level One and Level Two; it must state why the solution and the responses at those levels were unsatisfactory; and it must include copies of the written complaint and previous written responses.

Within fifteen (15) working days after the date of receipt of the grievance by Level Three Management, Level Three Management issues a final written decision to the employee in response to the grievance. The Level Three Management response will be provided to the employee and a copy provided to the Office of Human Resource Management, Attention EEO Coordinator.

Final Decision

The Level Three Management decision (or the President's decision) shall be considered final; provided that the final campus action shall be subject to procedural review by the University of Louisiana Board of Supervisors in accordance with Board Bylaw C-III.XIV (Grievance Procedures).

Additional Information

Each step of the Grievance Procedure must be initiated by the Grievant. If the Grievant fails to initiate in a timely manner any step of the Grievance Procedure, the grievance is abandoned.

The Grievance Procedure is intended as a means of resolving employee complaints internally. The Grievant cannot be represented by a person of his/her choosing at any step of the Grievance Procedure. Therefore, the presence of legal counsel or other internal or external representation is not appropriate and shall not be allowed.

The provisions contained in the Grievance Procedure are subject to change, amendment or withdrawal by UNO at any time.

The Grievance Procedure is not intended to create and will not be construed to constitute a contract, express or implied, between the University (UNO and the Board of Supervisors for the University of Louisiana System) and any employee. Specifically, the grievance does not constitute an employment contract for a fixed term and it does not affect the terminable at-will status of any unclassified non-faculty employee.

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