

 UNIVERSITY OF DENVER	UNIVERSITY OF DENVER POLICY MANUAL STAFF EMPLOYEE GRIEVANCE POLICY AND PROCEDURES	
<p><u>Responsible Department:</u> Human Resources and Inclusive Community</p> <p><u>Recommended By:</u> Provost, Vice Chancellor for Human Resources</p> <p><u>Approved By:</u> Chancellor</p>	<p><u>Policy Number</u> HRIC 3.10.060A</p>	<p><u>Effective Date</u> 2/15/2024</p>

I. INTRODUCTION

The University recognizes the need for a formal process to supplement the informal departmental means of resolving staff employee problems or complaints. A Grievance may be appropriate when a staff employee’s efforts to solve the problem through discussion with the immediate supervisor have been unsuccessful. A formal Grievance allows a third party to uphold the original action, overturn the action, or determine an alternate binding solution.

This Staff Grievance Policy only applies to staff employees.

II. POLICY OVERVIEW

A. It is the policy of the University to establish an internal staff employee Grievance process for complaints of staff employees related to the terms and conditions of their employment.

B. Grievance:

For purposes of this Policy, a Grievance is a complaint by a University staff employee related to their employment such as:

1. Alleged wrongful termination or demotion;
2. Disagreement regarding the application of University Policies;
3. Disagreement regarding a final performance evaluation;
4. Availability or amount of an employee benefit such as holidays, vacations, or sick leave; or

5. Any other significant matters adversely affecting terms or conditions of employment.
 6. Grievances do not include complaints related to:
 - a. Employees who are covered by a collective bargaining agreement.
 - b. Conflict(s) between two staff peers.
 - c. The application of [University Policy EOIX 3.10.010 - Discrimination and Harassment](#) (EOIX Policy), and the Office of Equal Opportunity and Title IX (EOIX) procedures.
 - i. Prior to filing a Grievance under this Policy, individuals with complaints solely alleging discrimination, harassment, or other matters that fall within the EOIX Policy and procedures must submit the complaint to EOIX for review. Similarly, if the employee raises an allegation falling within the EOIX Policy and procedures during the Grievance process, that allegation must be referred to EOIX for review.
 - ii. If an employee has concerns covered by both this Policy and by the EOIX Policy, the employee may choose to pursue the Grievance under this Policy and the discrimination/harassment complaint under the EOIX Policy at the same time or in succession .
 - iii. EOIX will address the complaint or allegation, as applicable, following its established procedures.
 - iv. If the employee chooses to pursue the discrimination/harassment complaint under the EOIX Policy first, the deadlines set forth in this Policy shall toll while the complaint or allegation is pending within EOIX.
 - v. If the Respondent in a Grievance under this Policy is also the respondent in a related matter involving the Grievant pursuant to the EOIX Policy, then the Respondent may submit a written request to the Provost (for Respondents who are faculty) or the Vice Chancellor for Human Resources (for Respondents who are staff) to be recused from a decision-making role in the process set forth in Section III.A below. The Provost or Vice Chancellor for Human Resources, as applicable, may designate an individual to serve in the decision-making role and will notify the Grievant and Respondent of any such designation.
- B.** The time limits described below may be extended by either the Provost (for Respondents who are faculty) or the Vice Chancellor for Human Resources (for Grievants and Respondents who are staff) if the Grievant

provides documentation of extenuating circumstances, such as sickness or accident, which prevented the Grievant from meeting the applicable deadline.

- C. An administrative decision or action that is subject to a Grievance under this Policy will remain in effect while the Grievance is pending.

III. PROCESS OVERVIEW

A. Procedure for Grieving an Administrative Decision or Action

For a Grievance by a staff employee, the Respondent is the employee's direct supervisor.

1. Step One: Informal Resolution

The Grievant is strongly encouraged to discuss any complaint covered by the Policy and these Procedures with the Respondent and make a concerted effort to resolve the complaint without relying on the formal process outlined below. The discussion should occur as soon as reasonably possible after the Grievant learns of the disputed matter.

If both parties to the Grievance agree, they may invite a University employee who (a) is not a party to the Grievance; and (b) does not otherwise have a role in the review process set forth below, such as a representative from the Department of Human Resources and Inclusive Community (HRIC) or the Division of Diversity Equity and Inclusion (DDEI) representative, a colleague, or another University administrator to facilitate the discussion to assist in informal resolution of the matter that is subject to the Grievance. This process does not apply to complaints or allegations that are subject to EOIX review pursuant to Section II.B.6.c above.

2. Step Two: Written Grievance to Respondent

If not satisfied with the results of the informal resolution, the Grievant may submit a written Grievance to the Respondent. The Grievance should contain a clear description of the issue(s) involved, any specific University policy or procedure involved, the relevant date(s) the action or decision that is being grieved took place, if known, and any relief being sought. If an informal discussion is not conducted as recommended in Step One: Informal Resolution, the reason an informal discussion was not conducted must be given in the written Grievance.

The Grievant must file a copy of the written Grievance, as described herein, with the Director of Employee and Labor Relations (or designee). The Grievant must submit a written Grievance no later than forty-five (45) calendar days from the date the Grievant learns of the situation giving rise to the Grievance. The Grievant may include preceding patterns of actions or decisions in the Grievance, if the Grievant learned of the most recent action or decision in the pattern within the past forty-five (45) calendar days. The Respondent (or designee) shall respond to the Grievance in writing within ten (10) Business Days of receipt of the Grievance.

3. Step Three: Appeal

No appeal is possible if the Respondent is the Chancellor or the Provost. If the Respondent is not the Chancellor or the Provost and if the Grievant is not satisfied with the Respondent's or designee's written response, the Grievant may appeal to the Respondent's supervisor. The Grievant must (a) submit an appeal in writing to the Respondent's supervisor within ten (10) Business Days from the date of the Respondent's or designee's written response; and include (i) a reasonably detailed description of the issue(s) involved and any resolution being sought; and (ii) the original written Grievance from the Grievant and the Respondent's or designee's written response. The deadline for the appeal may be extended by up to an additional ten (10) Business Days with the approval of the Chancellor.

The Respondent's supervisor, or their designee, will issue a decision in writing to the Grievant and Respondent.

4. Step Four: Final Resolution

If the Respondent's supervisor is either the Chancellor or the Provost, the decision of the Chancellor or the Provost, or their designee, is final. If the Respondent's supervisor is neither the Chancellor nor the Provost and:

- a.** if neither the Provost nor a Vice Chancellor is in the Grievant's hierarchy of supervisors, the Grievant may appeal the decision of the Respondent's supervisor or their designee, to the Chancellor. The decision of the Chancellor, or their designee, is final; or
- b.** if the Provost is in the Grievant's hierarchy of supervisors, the Grievant may appeal the decision of the Respondent's supervisor or their designee, to the Provost. The decision of the

Provost, or their designee, is final.

- c. if a Vice Chancellor is in the Grievant's hierarchy of supervisors and:
 - i. if the Vice Chancellor is the Respondent's supervisor, the Grievant may appeal the decision of the Respondent's supervisor or their designee, to the Chancellor. The decision of the Chancellor, or their designee, is final; or
 - ii. if the Vice Chancellor is not the Respondent's supervisor, the Grievant may appeal the decision of the Respondent's supervisor or their designee, to the Vice Chancellor. The decision of the Vice Chancellor, or their designee, is final.
 - d. The Grievant must submit appeal of the decision of the Respondent's supervisor or their designee, in writing within ten (10) Business Days from the date of the response of the Respondent's supervisor or their designee; and include, as attachments, the original written Grievance, the Respondent's written response, the appeal submitted to the Respondent's supervisor, and the response of the Respondent's supervisor or their designee.
- B.** Parties may not add Grievances or complaints to an existing Grievance proceeding after filing a written Grievance.
- C.** The University in its sole discretion may elect to consolidate Grievances.
- D.** The Grievance process is an internal, administrative process. Neither external nor internal legal counsel for either party may be present at the Grievance meetings.
- E.** No retaliatory action may be taken against an individual filing a Grievance in good faith or against any persons who furnish the Grievant with any assistance due to their involvement with the Grievance. See University Policy AU DT 18.10.010 - *Retaliation and Whistleblower Protection*.

IV. DEFINITIONS

- A. "Grievant(s)"** - the person(s) initiating the Grievance. Hereafter, Grievant (in the singular) will be used to designate one or more Grievant.
- B. "Respondent(s)"** - the person(s) alleged to have carried out the action or made the decision that is the subject of the Grievance. Hereafter, Respondent (in the singular) will be used to designate one or more Respondents.

C. **“Business Days”** – any weekday Monday through Friday in which the University is in operation, including days when the University is in operation, but classes are not in session. For example, University Holidays (as defined in University Policy HRIC 3.40.050 – *Holidays*) are not Business Days.

V. RESOURCES

A. University Policy EOIX 3.10.010 - *Discrimination and Harassment*

B. University Policy AUDT 18.10.010 - *Retaliation and Whistleblower Protection*

Revision Effective Date	Purpose
<i>2/15/2024</i>	<i>Policy updated to align with practice and create a separate Grievance Policy for staff</i>