



Policy Number: 400.2

Policy Title: Non-Union Grievance Procedures

Subject: Section 400 – Personnel

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Approved by: 

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POLICY STATEMENT:

This grievance policy provides an exclusive campus remedy for resolving grievances from employees not covered by a collective bargaining agreement. This policy does not apply to Regents' Contract professionals and administrators. Individuals who report directly to the Dean/CEO may use the Board of Regents grievance procedure. No staff member shall be subject to demotion, termination, or any other form of retaliation as a result of initiating a grievance under this procedure.

All Helena College University of Montana policies shall adhere to and be consistent with relevant federal and state laws, rules, and regulations and with Board of Regents' policies and procedures.

PROCEDURES:

Each party agrees that all problems should be resolved, whenever possible, before the filing of a formal grievance. Where possible, the informal resolution of a grievance should be the first course of action.

A grievance shall mean an alleged violation, misrepresentation, or misapplication of the provision of state or federal employment law or an applicable written policy of the College or Board of Regents.

When computing the time periods prescribed, a work day shall include all weekdays not designated as a weekend or holiday. The failure to communicate an appeal by the prescribed period of time shall indicate the grievance has been resolved to the satisfaction of the grievant. The failure to communicate a decision by the prescribed period of time shall result in signaling that the grievant may elect to move to the next phase of the grievance process. The time limitations of each phase may be extended upon the mutual agreement of each party.

Grievance meetings shall be private, unless agreed to otherwise by each party, and held at a time and place that provides for reasonable accommodation.

All grievance documents and records shall be filed separately from each party's personnel files. At all steps of the grievance process, each party shall produce relevant records relating specifically to the grievance in question.

GRIEVANCE PROCEDURE

A. Informal Procedure

- Step 1. A complaint shall be presented to the immediate supervisor of the grievant within ten (10) working days of the incident resulting in the complaint. If the supervisor and grievant are unable to resolve the grievance satisfactorily within five (5) working days after presentation of the grievance, the aggrieved party may proceed with Step 2 of the informal grievance procedure.
- Step 2. If the organizational structure permits, the grievant shall present the grievance to the next level of leadership in the chain of command (i.e.: Executive Director) within five (5) working days of the conclusion of the Step 1 informal attempt at resolution. If the grievance is not resolved to the grievant's satisfaction within ten (10) working days after presentation of the grievance, the aggrieved party may proceed with Step 3. If the grievant reports to Executive Director of Operations, they may proceed directly to the Formal Procedures.
- Step 3. The grievant shall state the grievance in writing to the Executive Director of Operations within five (5) days of conclusion of Step 2. If the grievance is not resolved to the grievant's satisfaction within ten (10) working days, the grievant may use the formal procedure.

B. Formal Procedure

- Step 1. Executive Director of Operations will serve in an advisory/facilitative capacity to the Grievance Committee, unless the representative from Human Resources is the respondent:

- a. Grievant Statement. The grievant will have five (5) working days after conclusion of Step 3 of the informal attempt at resolution in which to submit a summary of his/her position to the Grievance Committee and the respondent. The summary will include:
 1. A statement of the relevant facts;
 2. Copies of documents to be submitted as evidence;
 3. The remedy sought by grievant;
 4. The names, addresses, and telephone numbers of persons grievant will call as witnesses at the hearing; and
 5. The steps taken to informally resolve the grievance.
- b. Respondent's Statement: After receipt of grievant summary, respondent will have ten (10) working days in which to submit a summary of his/her position to the Grievance Committee and grievant. The summary will include:
 1. A statement of relevant facts;
 2. Copies of documents to be submitted as evidence;
 3. A response to grievant's position; and
 4. The names, addresses, and telephone numbers of person's respondent will call as witnesses at the hearing.
- c. Legal Counsel Representation: Either party may be represented by counsel. If represented by professional or other counsel, the name, address, and telephone number of that person should also be stated in writing at the time of the appeal. If either party elects to have counsel, the opposing party will be so notified in writing.
- d. Hearing Preparation: Preparation of the grievant's summary and preparation for a hearing before the Grievance Committee is to be done during non-working hours.
- e. The Hearing: The Grievance Committee will review the grievance. Within fifteen (15) working days from receipt of respondent's position summary, the Grievance Committee will review the written documents provided by both parties and conduct a hearing.

Testimony may be requested from persons with knowledge of facts relevant to the grievance. The role of the committee is to determine whether there was compliance with all relevant laws, rules, regulations, and policies by the employer and employee alike.

The chair will conduct the hearing but will not apply strict rules of evidence or conduct an adversary proceeding. In order to provide a fair and complete hearing, the grievant will present his or her position first. Questions from a committee member that do not unduly impede the continuity of the party's presentation may be entertained at any time during the hearing. However, the chair will be the final arbiter of all procedural matters.
- f. The Decision: The Grievance Committee will meet in closed Executive Session to make its determination. Only the members of the Committee may attend this meeting. Any decision reached by the Committee must be approved by a majority of the members present and voting.

The decision of the Committee will be presented to the grievant and respondent in writing within ten (10) working days after the hearing. The decision will contain the following:

 1. A summary statement of the grievant charges;
 2. A statement of the remedy sought;

3. A statement of the specific findings of fact and conclusions of the Committee regarding whether the evidence substantiated the grievant's complaint; and
4. Recommendations regarding redress of the grievance.

If the grievance is not resolved to the grievant's satisfaction, the aggrieved party may proceed with Step 2 of the formal grievance procedure.

Step 2. Appeal of the Grievance Committee's decision

The Dean/CEO or designee of the Dean/CEO will review and respond in writing to the grievance within fifteen (15) working days receipt of the appeal. The response will include any actions, which have been or may be taken to resolve the grievance. The Dean/CEO's decision will be final and binding at the campus level. The Dean/CEO's decision may be appealed pursuant to Board of Regents appeals policy and procedures.

GRIEVANCE COMMITTEE

A. Composition of the Committee

1. The committee shall have three (3) members, including the chair.
2. Representative membership. Of the three members, one (1) shall be staff not covered by a collective bargaining agreement, one (1) will be a Board of Regents contract professional/administrator, and Staff Senate will nominate the third person for the staff appointment. No members shall be from the grievant employing department or office.

The Dean/CEO will make the appointments. In the event an appointed committee member is unavailable, an alternate will be selected by the Dean/CEO.

Notwithstanding committee membership composition as set forth here, the Dean/CEO may appoint the same number of staff and Regents Contract representatives from another University System campus.

B. Appointment of Officers

The Committee will elect its own chair. Each Committee member, including the chair, shall have one vote.