

System-wide Policy: HR0640 - Grievances	
Version: 6	Effective Date: 10/01/2017

HR0640 – Grievances

Topics:

Grievances Alleging Unlawful Discrimination	Procedures
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Objective:

To provide a method for the resolution of problems which may arise between the university and regular, staff non-exempt employees.

Policy:

1. Employee concerns and grievances should be clarified at the earliest possible time and at the administrative level or office closest to the nature of the complaint. Every effort should be made to resolve such matters informally before official grievance procedures are initiated. The university is committed to the concept that employees are entitled to pursue their grievances without fear, restraint, interference, discrimination, or reprisal.
2. For the purpose of this policy, "grievance" means a non-exempt employee's complaint about one or more of the following matters which he or she has been unable to resolve with his or her immediate supervisor:
 - a. Demotion, suspension without pay, or termination of non-probationary employees for inadequate work performance.
 - b. Non-compliance with the Reduction in Force policy.
 - c. Work assignments or conditions of work which the employee claims violate a statute or university policy other than those prohibiting discrimination.

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- d. Demotion, suspension without pay, termination, work assignments, or conditions of work which the employee claims are based on unlawful discrimination (including claims of racial and sexual harassment).

Grievances Alleging Unlawful Discrimination

3. Any grievance alleging unlawful discrimination (including claims of racial and sexual harassment) must be addressed first through the campus discrimination complaint procedure. This grievance procedure is available to an employee only if the resolution through the discrimination complaint procedure is not satisfactory to the employee. Any grievance alleging discrimination begins with the election of one of the two hearing processes (TUAPA or informal) described in **HUMAN RESOURCES PROCEDURE 640**. The employee must make the hearing election within fifteen (15) workdays after receiving an adverse decision of the appropriate official on the discrimination complaint.

Grievances Other Than Those Alleging Unlawful Discrimination

4. For all grievances other than those alleging unlawful discrimination, each campus shall develop a procedure for reviewing grievances as defined above. The procedure shall include the following requirements:
 - a. **Time for Filing.** A grievance must be filed at the appropriate step in the grievance procedure within fifteen (15) workdays after the employee receives notice or becomes aware of the action which is the basis for the grievance.
 - b. **Standard Form.** Standard grievance forms shall be developed and made available to non-exempt staff at each worksite. No grievance may be denied because a standard form has not been used.
 - c. **Number of Steps.** The grievance procedure shall include no more than four (4) steps to finality.
 - d. **Face-to-Face Meetings.** The grievance procedure shall include the opportunity for a face-to-face meeting within fifteen (15) workdays after

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the grievance is filed and within fifteen (15) workdays after each subsequent step in the procedure is initiated.

- e. **Testimony and Witnesses.** The employee and any material witnesses shall be allowed to testify fully at every step in the grievance procedure.
 - f. **Written Decisions.** At each step in the grievance procedure, the employee shall receive a written decision, including specific reasons for the decision, within fifteen (15) workdays after a face-to-face meeting occurs.
 - g. **Hearings.** The final step in a grievance shall be, at the employee's election, an informal hearing before a panel of unbiased university employees or a contested case hearing under the Tennessee Uniform Administrative Procedures Act (TUAPA). The decision of an informal hearing panel is subject to review by the chancellor or appropriate vice president.
 - h. **Representation.** At each step in the grievance procedure, the employee shall be entitled to be accompanied and represented by one employee representative from the employee's campus. At the discretion of the panel chair, additional employee representatives from the campus may be allowed at an informal hearing conducted at the final step. In a TUAPA hearing, the university will be represented by legal counsel and the employee may be represented by legal counsel as well. In an informal hearing, neither party can be represented by legal counsel; however, legal counsel, or other non-legal counsel, can be present as an advisor. If legal counsel is going to be present for the employee, the university must be so notified at the time the hearing date is established so the university can choose to have legal counsel present in an advisory role as well.
5. Each campus shall include information regarding the grievance procedure in employee orientations.
6. In August of each year, the University of Tennessee will provide a report to the Legislative Education Oversight Committee of the Tennessee General Assembly summarizing grievance activities of the previous fiscal year.

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PROCEDURES:

Chattanooga:	www.utc.edu/human-resources/pdfs/proc-640.pdf
Health Science Center:	https://uthsc.policymedical.net/policymed/home/index?ID=de47aa28-16aa-408b-9c96-cb04f232964f&
Institute of Agriculture:	ag.tennessee.edu/Pages/UTIApolicies.aspx
Space Institute:	http://www.utsi.edu/index.php/utsi-procedures/