

UNIVERSITY OF WISCONSIN-EXTENSION UNCLASSIFIED PERSONNEL GUIDELINES (UPG)

UPG #19

UW-EXTENSION UNCLASSIFIED STAFF GRIEVANCE AND APPEAL PROCESS

19.01 Introduction.

A **grievance** is a personnel problem, perceived by the staff member to involve unfair treatment or violation of the staff member's rights and privileges accorded by law, UW-Extension policy, or established UW-Extension practice. A **grievant** is a faculty or academic staff member employed by UW-Extension who is pursuing a grievance. An **appeal** is an optional response of an unclassified staff member to an action being taken by the administration under Chapters UWEX 3, 4, 5, 6.01, 10, 11, 12, and 13.01 (see those chapters for clarification regarding appeals). An **appellant** is a faculty or academic staff member who is appealing an action.

19.02 Participation in the Grievance and Appeal Process: Employee Time

UW-Extension recognizes that the unclassified grievance and appeal procedures constitute a right of UW-Extension unclassified employees. Any expressed grievance is necessarily an alleged problem of employment at UW-Extension and, as such, is a UW-Extension issue. Therefore, the preparation of statements and other materials for a grievance or appeal and the arrangements for and participation in hearings is recognized as proper activity during UW-Extension employment time. UW-Extension encourages all parties to a dispute to attempt to settle the dispute by informal negotiation, if possible. Therefore this negotiating activity is particularly encouraged of UW-Extension employees (see Chapters UWEX 6 and 13).

- (1) A grievance or appeal, as with all other work projects, must fit into the priorities of the workload. The amount of time devoted to a project and the duration of a project may be limited by the supervisor according to employment duties and other circumstances. UW-Extension also recognizes that unclassified staff, as professionals, do not have set work hours per week and may need to increase work time during periods when work demands are especially heavy.
- (2) This recognition of proper activity during employment time applies to all alleged grievances that may ultimately be heard under Chapters UWEX 6 and 13 and to any employee appeals that relate to actions taken under Chapters UWEX 3, 4, 5, 10, 11, and 12.
- (3) Unclassified employees who believe they are being unfairly restricted from participation in grievance or appeal activities, are encouraged to report this concern to divisional administrators or to the institutional director of human resources, the Director of Equal Employment Opportunity (EEO) and Diversity Programs, or the Secretary of Faculty and Academic Staff. Divisional officers will inform the director of human resources and institutional officers will inform the divisional personnel officer whenever a report has been received.
- (4) A supervisor who believes that an employee is spending an unacceptable amount of employment time on a grievance or appeal matter should attempt to resolve the matter informally with the employee and, if unsuccessful, report the concern to divisional administration who may ultimately bring the matter to the provost and vice chancellor. To avoid potential prejudice, if a supervisor is a subject of the grievance or appeal in question, then he/she should ask another administrator to deal with the matter.

19.03 Steps to Informal Resolution of a Grievance

(In this section, the terms grievance and grievant are used in the generic sense to include appeals and appellants.) Listed below are a series of steps which UW-Extension will make available to an unclassified staff grievant. These steps are not meant to replace or alter UW-Extension policies on grievances, rather, they are made available to expedite the policies. Therefore, the right of a grievant to request a formal hearing remains regardless which of the following steps are utilized by the grievant.

The steps are listed starting with the most informal and proceeding to the most formal.

Although not all of the steps may be appropriate for each grievance, the grievant is encouraged to attempt to resolve the problem at the most informal level possible. Failure to make progress at one level may lead to the next level, at the grievant's option.

- (1) The grievant should discuss the problem with the immediate supervisor or, if the supervisor is alleged to be part of the problem, another appropriate administrator.
- (2) The grievant may contact the Secretary of the Faculty and Academic Staff or the Director of EEO and Diversity Programs. If after discussion with the Secretary or Director the grievant wishes to pursue the matter, the Secretary or Director will recommend one or more volunteer alternative dispute resolution assistants. All grievants, i.e., faculty or academic staff members who have contacted the Secretary or Director about stating a grievance and who wish to pursue the matter beyond that first visit, will be offered the cooperation of an alternative dispute resolution assistant (if available). The purpose of the alternative dispute resolution assistant is to assist the grievant in exploring possible solutions to the grievance (see section 12.04). The involvement of an alternative dispute resolution assistant will remain a private matter between the grievant and the alternative dispute resolution assistant unless and until the grievant chooses to inform others.
- (3) The grievant may request mediation through the Secretary of the Faculty and Academic Staff. If both parties agree, the Secretary's office will provide a trained outside mediator. The mediator will hear both parties' views, perhaps separately, and will attempt to find a mutually satisfactory solution.
- (4) The grievant has the right to request a hearing on the grievance through the Secretary of the Faculty and Academic Staff. The Hearings Committee will decide whether to hear the alleged grievance and will conduct the hearing if the decision is to proceed to a formal hearing. In the case of some appeals, the Committee must hear the appeal upon request (see Chapters UWEX 6 and 13). Hearings are subject to the provisions of UW-Extension Faculty Policies and Procedures, Chapter UWEX 6 and Academic Staff Policies and Procedures, Chapter UWEX 13.

19.04 The alternative dispute resolution assistant.

An alternative dispute resolution assistant is **not** an advocate of the grievant; an alternative dispute resolution assistant will not provide legal advice, investigate for the grievant, or argue the case of the grievant. A potential grievant may arrange for his or her own advocate, the university will not provide one. If the grievant has an advocate, the alternative dispute resolution assistant's role may be redundant.

- (1) In **general**, the alternative dispute resolution assistant will assist the grievant in specifying and articulating the problem, identifying the relevant parties, and communicating the problem to the relevant parties. The purpose of the alternative dispute resolution assistant is to help the grievant to better understand the problem and its context and to exhaust all informal possibilities before initiating a formal process.
- (2) In **specific**, the alternative dispute resolution assistant:
 - (a) will be a volunteer

- (b) will receive training, coordinated by the Secretary of the Faculty and Academic Staff or Director of EEO and Diversity Programs, in:
 - 1. employee relations
 - 2. conflict resolution
 - 3. the definition of a grievance
 - 4. the UW-Extension policies related to grievances
- (c) will assist a grievant in:
 - 1. recognizing whether a definable grievance exists
 - 2. preparing/writing the grievance statement, including proposed remedies, in a clear and organized fashion
 - 3. attempting to informally resolve the matter
 - 4. moving through the grievance process
- (d) may accompany the grievant to meetings at which an informal resolution is attempted. In such settings, the alternative dispute resolution assistant may assist the grievant in communicating his or her concerns and in understanding the responses of others. Simply by being present the alternative dispute resolution assistant may relieve the grievant of fears of intimidation.

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