



GRADUATE ASSISTANT EMPLOYMENT GRIEVANCE PROCEDURE

Any Graduate Assistant seeking advice and counsel about the application of this and other policies and procedures in advance of filing a formal grievance **may** consult the Director of Student Services in the Graduate School, who serves on the Ombuds Council, <http://www4.uwm.edu/ombuds/>.

1. Definition and Procedure

Any Graduate Teaching, Program, Project or Research Assistant (Graduate Assistant) of the University of Wisconsin-Milwaukee may use the following procedure to bring a grievance. A grievance is defined as a written complaint involving a matter for concern or dissatisfaction relating to the conditions of employment. The retention or release of any employee designated a probationary employee shall not be subject to this grievance procedure.

Grievances may be filed either by an individual Graduate Assistant or a group thereof. Graduate Assistants are strongly encouraged to discuss complaints with their immediate supervisor and make every effort to resolve the complaint prior to filing a grievance. Complaints not resolved by discussion between the employee and his/her supervisor, Graduate Representative or Director/Department Chair may be submitted as grievances.

This procedure shall not be used for matters related to the Graduate Assistant's academic progress, grade appeals, or any other issue related to the Graduate Assistant's academic program. Grade Appeals shall be made according to S-28, <http://www4.uwm.edu/secu/docs/other/S28.htm> . Academic appeals shall be made according to the Graduate School Academic Appeals Procedure, <http://graduateschool.uwm.edu/students/policies/appeals-and-exceptions/#appeals>

Complaints arising for any reason related to the Academic Misconduct Policy and Procedures http://www4.uwm.edu/acad_aff/policy/academicmisconduct.cfm are subject to those appeal procedures and will not be heard under this grievance procedure. Any complaint alleging protected-class discrimination or sexual harassment will not be heard under this grievance procedure and must instead be brought under the UWM Discriminatory Conduct Policy S-47, <http://www4.uwm.edu/secu/policies/saap/upload/S47.pdf> to the Office of Equity/Diversity Services <http://www4.uwm.edu/eds>.

- A. The word “days” for the purpose of this procedure shall mean calendar days.
- B. Only one (1) subject matter shall be covered in any one (1) grievance. A grievance shall be in writing, and shall contain a clear and concise statement of the grievance and indicate the issue involved, the relief sought, and the date the incident or alleged violation took place. The grievance shall be dated and presented at Step One to the chairperson/director of the department in which the employee is appointed.
- C. Some complaints may be appropriate for submittal to this grievance procedure and another procedure or forum. Such complaints may be submitted to more than one forum or procedure simultaneously.
- D. A grievant may have a representative of his/her choosing to represent him/her at any step of the grievance procedure.
- E. All grievances must be presented no later than sixty (60) calendar days from the date the grievant first became aware of, or should have become aware of with the exercise of reasonable diligence, the cause of such grievance.
- F. Step One of the grievance procedure may be waived by mutual agreement of the grievant and the department chairperson or his/her designee.

2. **Grievance Steps**

Step One: Within 14 days of receipt of the written grievance from the employee, the department chairperson/director or his/her designee will meet with the grievant and his/her representative, if any, to hear the grievance. The Step One respondent will return a written answer to the employee no later than ten (10) days after this meeting.

Step Two: If the grievant is dissatisfied with the answer in Step One, to be considered further, the grievance must be appealed to the appropriate Dean/Director of the School/College/Division within 14 days from receipt of the answer in Step One. The Dean/Director or his/her designee will meet with the employee and his/her representative, if any, within 14 days from receipt of the appeal of Step One and attempt to resolve the grievance. The answer will be put into writing following the meeting by the Dean/Director or his/her designee and returned to the employee no later than ten (10) days after this meeting.

Step Three: If the grievant is dissatisfied with the answer in Step Two, to be considered further the grievance must be appealed to the Graduate Assistant Appeals Panel (GAAP) within 14 days from receipt of the answer in Step Two.

The GAAP will consist of a panel of five individuals chosen for an academic year, comprised of two faculty members, two Graduate Assistants, and the Labor Relations Coordinator.

The faculty panel members will be chosen by the Graduate Faculty Committee, which will select a panel of several faculty members any of whom would be willing to serve on a GAAP when asked to do so. Those faculty must be selected at the beginning of fall semester and be willing to serve for a year.

The Graduate Assistant panel members will be chosen by the Graduate Student Advisory Council, which will select a panel of several TAs, PAs and/or RAs, any of whom would be willing to serve on a GAAP when asked to do so. The TAs/PAs/RAs must be selected at the beginning of fall semester and be willing to serve for a year.

The Step Three grievance shall be filed with the Labor Relations Coordinator in the Department of Human Resources, who will share the grievance with the full GAAP.

The GAAP will meet with the employee and his/her representative, if any, within 14 days of the appeal of Step Two. The GAAP shall then make a recommendation for determination or resolution of the grievance to the Office of the Provost.

The Office of the Provost will put a final determination into writing and return it to the grievant within 21 days after this meeting. The decision of the Office of the Provost will be final and binding on all parties.

3. Time Limits

Grievances not appealed within the designated time limits in any step of the procedure will be considered as settled on the basis of the preceding answer. Grievances not answered within the designated time limits in any Step may be appealed to the next Step within 14 days of the expiration of the designated time limits. The parties may, however, mutually agree to extend the time limits in any step of the grievance procedure.

4. Meeting with Grievance Representative

An employee may consult with his/her representative during working hours for a reasonable period of time for the purpose of processing a grievance, provided that this does not interfere with scheduled work activities.

5. Retroactivity

Settlement of grievances may or may not be retroactive as the equities of particular cases may demand. In any case, except for administrative errors relating to the payment of salaries, the maximum period of retroactivity allowed shall be a date not earlier than sixty (60) days prior to the date of initiation of the written grievance in Step One. Graduate Assistants that voluntarily terminate their employment will have their grievances immediately withdrawn and will not benefit by any later settlement of a group grievance. Graduation shall not be considered voluntary termination for purposes of this section.

6. Exclusive Procedure

This grievance procedure shall be exclusive and shall replace any other grievance procedure for adjustment of disputes arising from the Graduate Assistant's employment.

7. Group Grievances

Grievances that involve like circumstances and facts for the grievants involved may be consolidated by mutual agreement.

8. Record Keeping and Reporting

The Graduate School shall track, record, and confidentially archive all grievances filed. Each year the Graduate School shall prepare a report for the previous year of the total number of grievances filed, the number resolved at each step, and the numbers resolved in favor of the grievant and resolved in favor of the employer at each step. The report shall be presented to the Graduate Faculty Committee in the fall semester.