

CHAPTER 112 GRIEVANCE

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112.01 Definition

A grievance is a written allegation filed by an academic staff member (the grievant) in regard to a claim of unfair, employment-related treatment. Appeals of non-renewal, dismissal for cause, or layoff action must be handled under the applicable procedures in Chapter 106 (for nonrenewal), 109 (for dismissal for cause), or 110 (for layoff action) and may not be handled as a grievance under this chapter.

(AS Doc 32, 4/08)

112.02 Right of Representation

An academic staff grievant or group of academic staff grievants may authorize an agent to represent and assist them. Members of the Academic Staff Hearing and Appeals Committee shall not serve as authorized agents in a grievance.

(AS Doc 105, 5/17)

112.03 Freedom from Reprisal

Academic staff members, and their agent, using the grievance procedure are guaranteed freedom from reprisal. Any action taken by the supervisor intended to harass the employee shall be considered a reprisal. Normal administrative prerogatives and procedures such as reassignment of duties or employee evaluation are not forms of reprisal unless intent of harassment can be substantiated by the academic staff member. An academic staff member who believes that reprisal is being threatened or effected may bring a statement of facts to the chairperson of the Academic Staff Hearing and Appeals Committee who will designate a committee member to investigate the situation within 10 working days, and to report the findings with a recommendation to the Chancellor. The Chancellor will act upon this recommendation within 10 working days of receipt.

(AS Doc 32, 4/08)

112.04 Grievance Procedure

A reasonable amount of work time shall be provided for an academic staff member and the agent, if any, without loss of pay, in processing the grievance. This time off shall be

arranged with the appropriate supervisor. Disputes related to time off shall be resolved by the Dean or Division Head upon written request by either the employee or the supervisor.

112.04 (a) Informal Resolution

At the time that an academic staff member believes he/she has been treated in an unfair manner, he/she may settle the problem through discussion with the immediate supervisor without delay. Either party can contact the Ombuds Council to attempt an informal resolution of the problem. The Ombuds Council is a neutral, confidential and informal body at UWM. If this proves unsatisfactory, the academic staff member may file a formal written grievance. Any step in the grievance process may be bypassed by the written agreement of both parties that the grievance is not resolvable at that level.

(AS Doc 105, 5/17)

112.04 (b) Formal Grievance Procedure

(1) Step One. An academic staff member shall present the grievance in writing to the immediate supervisor within 15 working days from the time the academic staff member knew or could reasonably be expected to have known of the circumstances giving rise to the grievance. All reasonable effort shall be made to settle the grievance at this level. The supervisor shall schedule a conference with the academic staff member and the agent as stated in 112.03, if any, within five working days of receipt of the grievance. A written response to the grievance shall be provided within five working days of the conference. Initiation of the informal procedure described in 112.04(a) within the 15 working day period will extend the deadline for initiating the grievance to 30 working days from the time the academic staff member knew or could reasonably be expected to have known of the circumstances giving rise to the grievance.

(2) Step Two. If the academic staff member is dissatisfied with the results of step one, he/she may appeal that result in writing to the next appropriate administrative level within ten working days of receiving the written response. This procedure shall be the same as that outlined in Step One with regard to a conference for the grievant and the time limit on response. This step is not utilized where the dean or division head is the next level of authority in which case Step Three is appropriate.

(3) Step Three. If the academic staff member is dissatisfied with the results of the prior step, he/she may appeal that result in writing to the appropriate dean or division head. This shall be done within ten working days of receiving the written answer to the prior step. This procedure shall be the same as that outlined in Step One with regard to a conference for the grievant. A written response shall be issued within ten working days of the completion of the conference.

(4) Step Four. If the academic staff member feels the case should receive further consideration, he/she may file a written appeal, including all previous grievance material, with the Hearing and Appeals Committee. This shall be done within ten working days of receiving the written response to the prior step. The Hearing and Appeals Committee shall hold a hearing under procedures established by the committee within 20 working days of

receipt of the grievance. Any member of the Hearing and Appeals Committee who has had any involvement in the issues of the grievance prior to Step Four shall be disqualified. If any of the Committee members disqualify themselves or are disqualified, the Committee shall select by majority vote an equal number of replacements from the list established in Article I, Section 2(F) of the Hearing and Appeals Committee Bylaws. A written recommendation shall be given to the Chancellor, with copies to all involved parties (including the grievant), within ten working days after hearings are completed. If the Chancellor wishes to modify the recommendation, the grievant and the committee shall be informed in writing within 15 working days. All involved parties will be notified of the decision of the Chancellor, which is final. If the decision of the Chancellor has not been issued within 15 working days, the recommendation of the Hearing and Appeals Committee becomes final.

112.05 Time Limits

Failure of the grievant to file to the next higher step within the prescribed time constitutes a termination of the grievance at that level. Failure of the supervisor to file an answer within the prescribed time automatically allows the grievant to proceed to the next step. Notwithstanding the above, the time limits of this section may be extended by written consent of both parties, or by written order of the Hearing and Appeals Committee.