



**The University of Oklahoma Formal Notice of Grievance - Complainant Form (updated: 12/10/2006)**

All sections of this form must be completed. Incomplete or illegible information can delay the processing of this information. Keep a copy for your files. Return the original signed form for distribution to the Office of Human Resources - 905 Asp, Avenue, NEL 225 - Norman, Oklahoma 73019. Questions? Contact Robbie Wahnee at 325-5594 (email:rwahnee@ou.edu). **NOTE:** For assistance with this process, please contact Staff Senate at 325-4672, and they will put you in touch with a non-legal advisor.

<b>Complainant</b>	Last Name:	First Name:	Middle Initial:
Job Title:		EmplID:	
Department Campus Address:			Phone:
Home Address:			Home Phone (required):

<b>Respondent (immediate supervisor)</b>	Last Name:	First Name:
Job Title:		Phone:
Department Campus Address:		

**Pre-Hearing Option** - At any time in this process, either the Complainant or the Respondent (department) may call for the pre-hearing conference in an effort to mediate compromise or resolution. If no compromise or resolution is agreed upon during the pre-hearing conference, the grievance normally proceeds to a grievance committee, unless no grievable issue was found.

**Do you request a pre-hearing conference?** Yes No

Description of Complaint - Describe the complaint(s) in detail listing specifics of each incident (date, place, time). Incidents and issues may include: termination; email; actual words spoken; threat; specific behavior. Attach documentation and attach a separate sheet of paper to describe each issue if needed.

List Incident or Issue	Date Occurred

Indicate specifically what you need or would like the department and the university to do to resolve the issue(s). Attach documentation and attach a separate sheet of paper to describe resolution of this grievance if needed:

**By filing this grievance, I agree to accept the guidelines set forth in the University of Oklahoma grievance process.**

Signature of Complainant:

Date of Filing:

**Office Use Only:**

Date of Receipt in OHR:

Proceed to Pre-Hearing   Immediate Supervisor   Department Head   Director of Human Resources

## Staff Grievance Procedure (Staff Handbook 3.23)

**Introduction** – The University is committed to providing employees with a way to voice complaints and seek solutions to work-related conflicts arising out of working conditions, employment practices, or policy interpretations. This Staff Grievance Procedure has been developed to address this need.

**What Is Not Covered Under The Staff Grievance Procedure?** - Excluded from the Procedure are complaints concerning: (1) Wages and salaries; (2) Performance-related dismissals during the employee's initial probationary period; (3) University statements concerning policies and rules; (4) Falsification of employment application documents; (5) Alleged discrimination based on race, color, national origin, sex, age, religion, disability or status as a veteran; sexual harassment; or racial/ethnic harassment. Alleged discrimination complaints are covered by a separate procedure administered by the University's Office of Equal Opportunity.

**Who Can File A Grievance?** - The staff grievance procedure is available to full-time, part-time, regular, temporary, or student staff employees of the university. Faculty appointments are covered by a separate policy which can be found in the Faculty Handbook. Also excluded from this grievance procedure are academic appointments, including but not limited to, graduate assistants, teaching assistants, residents, and research fellows.

**Informal Resolution Attempt Required Before Filing A Grievance** - The University encourages communication between supervisors and employees in order to resolve employee disputes promptly. Therefore, an attempt to informally resolve complaints is required before filing a formal grievance complaint.

For consideration under the Informal Resolution process, an employee must present his or her complaint within ten (10) working days from the date the incident giving rise to the complaint occurred. The complaint should be submitted to the immediate or second level supervisor for consideration and discussion. If no resolution is achieved, the employee is also encouraged to review the complaint with the department director, appropriate dean, or vice president. Upon request by either party, Human Resources will attempt to facilitate resolution of the issues in dispute. The Informal Resolution process should be completed within a reasonable period, generally not to exceed thirty (30) calendar days from the date the complaint was initiated. If both parties are satisfied with the results of the Informal Resolution process, the basis for resolution should be documented and the process closed. At any time during the 30-day period, either party may contact Human Resources and request that the process be closed. Once the Informal Resolution process is closed, the employee may pursue the formal grievance procedure.

**Filing A Grievance** - Employees have 10 working days from the end of the informal resolution process to submit a written grievance complaint (*see Timelines and Deadlines*). The staff grievance procedure guarantees a prompt and impartial review of all facts involved without fear of coercion, discrimination, or reprisal. A grievance filed under this policy may not be filed under any other university grievance procedure.

Employees who choose to exercise this option also agree to accept the conditions as outlined in the policy. Forms for use in preparing a staff grievance are available online at [www.ou.edu/ohr](http://www.ou.edu/ohr), can be picked up in the offices of OHR, or obtained through campus mail by calling the Office of Human Resources.

Either party to a grievance may seek technical assistance in the preparation of the grievance from the Office of Human Resources or by a trained non-legal representative whose name is provided by Staff Senate. An employee who chooses to be represented by any legal or non-legal assistance from outside of the university, may do so at his or her own expense.

**Terminated Employees Who File A Grievance** - An employee who is terminated may file a grievance requesting review of the termination decision. Complaints involving a termination should proceed directly to the pre-hearing conference. Filing a grievance does not change the employment status of the grievant.

**Timelines and Deadlines** - The grievance procedure sets forth timelines for initiation of action at each step. If a grievance is not forwarded by the Complainant within the time allowed in any step, the grievance will be considered discontinued and no further review will take place. Any written grievance not answered by the Respondent within the time allowed may be sent on to the next step by the Complainant. The Office of Human Resources may assist the Complainant in clarifying time limits and may extend, in its discretion, any timeline where either party cannot reasonably comply within the limits.

### **Steps to Resolve a Grievance Prior to a Formal Hearing**

- 1) The employee (Complainant) must complete and return the Formal Notice of Grievance form to the Office of Human Resources. Copies of this notice will be sent to the designated Respondent, Complainant, the Complainant's department head, and the applicable provost or vice president's office.
- 2) The designated Respondent listed on the Notice of Grievance form shall respond in writing within three (3) business days of receipt of the grievance and may at that time request a Pre-Hearing Conference or reply to the Complainant's written statement. Should the Respondent fail to reply within three (3) business days of receipt of the grievance, or the Complainant believes that the written reply is unsatisfactory, the Complainant can ask the Director of Human Resources (or appointed designee - throughout the process this term is interchangeable) to proceed directly to a Pre-Hearing Conference to resolve the grievance.
- 3) Human Resources will forward copies of the Notice of Grievance and the Respondent's reply to the Respondent, the Complainant, the Complainant's department head, and to the appropriate provost or vice president's office.
- 4) Unless the Complainant has requested that the grievance initially proceed directly to a Pre-Hearing Conference, the Director of Human Resources shall bring all parties to the grievance together. The goal of the Pre-Hearing Conference is to seek an agreeable resolution of the grievance prior to holding the formal hearing. The Director will facilitate efforts to reach a mutually agreeable solution to the issues in dispute. The Complainant's attorney or non-legal advisor may not participate in the Pre-Hearing Conference, but may advise the Complainant outside of the Pre-Hearing proceedings.
- 5) At any time during the grievance process, the Director of Human Resources or a designee may dismiss the grievance upon a finding that no appropriate issue of grievance exists or if the parties reach a resolution. Both parties shall receive written notice of the decision to dismiss or of the resolution agreement and a copy shall be sent to the appropriate Provost or Vice President. The Director's decision to terminate the grievance procedure is final.
- 6) If a resolution does not result from the Pre-Hearing Conference and the grievance has not been terminated, the Director of Human Resources shall call for a Grievance Committee to be formed and a grievance hearing to be scheduled.

## **Forming A Grievance Committee**

The Grievance Committee will be selected from a volunteer pool of full-time, non-academic staff that shall be maintained and provided by the Staff Senate from each campus. The Staff Senate for each campus shall be responsible for determining the selection criteria for the volunteers whose names are submitted to Human Resources. The Director of Human Resources shall preside over the drawing of twelve names from the volunteer pool. Persons to be disqualified from the initial selection pool of twelve will be those who: (1) have direct involvement or knowledge of the incident involved;(2) are employed in the same budget unit; (3) are related to either party in the grievance or; (4) have been determined by the Director of Human Resources to have an articulated prejudice in the case.

The names of the volunteer pool shall be placed in a container, and the drawing shall be conducted in the presence of both parties to determine the five members who will be asked to serve on the Grievance Committee. The first five names drawn shall constitute the Committee. Two alternates shall also be selected in the event a Committee member cannot fulfill his/her service on the Committee. Prospective Committee members will be asked to disqualify themselves if they cannot provide an objective, unbiased review of the issues involved in the grievance. For example, a close friend to any party to a grievance should disqualify himself/herself from participating on a grievance panel. When, for any reason, prospective Committee members disqualify themselves, the alternates will be called to serve. Two alternates will be maintained throughout the process.

After serving on the grievance committee, volunteers will be removed from the volunteer pool and will not be eligible to serve again for at least three years.

## **The Staff Grievance Hearing Procedure**

1) The Committee shall elect a Grievance Committee Chair. Once a Chair has been established, it is the responsibility of Human Resources to provide full training to the Chair to better prepare him/her to handle the committee procedures. The Director of Human Resources shall provide technical and clerical assistance to the Committee but shall not be a member of the Committee. The Chair shall schedule the hearing, call meetings, make arrangements, conduct the hearing, and prepare and deliver the Committee's Report of Findings. The Chair shall have authority to preside at all hearing meetings, keep order during the hearing, and to rule on relevance of evidence introduced during the hearing.

2) During the hearing, the Complainant's attorney or non-legal participant may advise the Complainant but will not be permitted to present evidence or cross-examine witnesses except when termination of employment is the issue of complaint. The University's Legal Counsel may be made available to the employer with the same stipulations as above. If the grievance does not involve termination, or if Legal Counsel is not present, the hearing will be conducted without attorneys being present. Either party may obtain procedural advice from the Grievance Committee Chair. The Chair may consult with the University's Legal Counsel before providing such advice.

3) The Committee Chair will notify both parties of allowable documents and witnesses submitted for the hearing. Both parties may call witnesses, but witnesses have the right to refuse to testify, unless the witness has testified, then he/she may not refuse to be cross-examined by the other party. Both parties shall provide the names of all potential witnesses to the Committee in advance of the hearing. These names shall be available to each party upon request. The general content and nature of witness testimony shall also be included so the Committee may determine the relevance of planned testimony. The Chair shall schedule and call witnesses to be heard in such a manner that witnesses' waiting time will be minimized. Witnesses may be recalled for additional questioning after initial witnesses for both parties have been heard. Any documentary or other evidence to be submitted at the hearing must be submitted to the Committee within the timeframe stipulated by the Chair. Failure to timely file names of witnesses, summary of witness testimony, or documentary or other evidence shall result in the exclusion of such testimony or evidence during the hearing.

4) There will be at least three parts to each hearing including: a) The opening comments, b) presentation of evidence, including testimony and c) closing comments. The Complainant shall be heard first followed by the Respondent.

- 5) Opening comments and closing comments shall each be limited to no more than 30 minutes. No strict time limit shall be placed upon the presentation of evidence. The Chair may limit the introduction of evidence that he or she determines to be redundant.
- 6) Length of hearing sessions shall be established in advance. Periodic rest periods shall be called throughout the course of the hearing. At no time shall a hearing continue for longer than three hours without a rest period.
- 7) All hearing sessions shall be closed to the public. All testimony pertaining to the grievance hearing shall be held in confidence between the parties participating in the hearing.
- 8) Only evidence relevant to the previously specified issues in the Formal Notice of Grievance Form may be introduced in the hearing. Questions of relevancy shall be directed to the Chair, whose decision shall be final.
- 9) Both parties to the grievance shall be provided copies of whatever materials are introduced as evidence unless the Chair rules the materials to be irrelevant.
- 10) The grievance hearing shall be taped. Participants are to be asked to identify themselves for recording on the tape. At the conclusion of the grievance, the tape will be filed with the Office of Legal Counsel and kept there for a period of at least six months.
- 11) The final content of the Report of Findings and recommendations shall be the responsibility of the Grievance Committee. It shall include: (a) a summary of the key points identified in the hearing that related only to the allegations specified in writing and (b) specific recommendations on the Complainant's requests for relief.
- 12) The Grievance Committee's recommendations shall be submitted to the appropriate Provost or Vice President within five University business days of the close of the hearing. Copies are to be given to the President of the University, both parties to the grievance, dean/director, and to the Office of Human Resources.
- 13) The appropriate Provost, Vice President, or designee shall act on the recommendations of the Grievance Committee within 15 University business days and provide confidential notification of his/her decision to the parties to the grievance, members of the Grievance Committee, the Office of Human Resources, and the President of the University.
- 14) The President may reject the decision of the appropriate Provost, Vice President, or designee within 15 University business days of the receipt of the decision. In the absence of such a change, the decision shall be final under the executive authority of the President.