

Memo To: All UH-Downtown/PS Holders  
From: Dr. Loren J. Blanchard, President  
Subject: Staff Grievance

UH-Downtown/PS 02.B.01  
Issue No. 9  
Effective Date: 6/27/2024  
Page 1 of 9

## 1. PURPOSE

- 1.1 The University of Houston-Downtown (UHD) is committed to the establishment and maintenance of a constructive problem-solving mechanism for the resolution of employee grievances. The purpose of this policy is to provide a means whereby an employee may be assured of a prompt, orderly, and fair review of their grievance. Procedures for faculty grievances are covered in [PS 10.A.02, Faculty Grievance Policy](#).

## 2. DEFINITIONS

- 2.1 Administrative Appeal Process: The administrative appeal process has been established to provide a second informal step to resolve a grievance. Staff employees shall complete both the preliminary appeal and the administrative appeal processes prior to seeking recourse through the formal appeal process.
- 2.2 Employee Relations Officer (ERO): A full-time staff member in Human Resources who manages conflicts among staff and between staff and leadership. The ERO investigates allegations of University policy violations, assists in finding resolutions to workplace issues, and may recommend appropriate disciplinary action. Staff employee concerns, disputes, and complaints related to sexual harassment ([SAM 01.D.08](#)) and harassment and discrimination ([SAM 01.D.07](#)) are addressed by the Title IX/Equal Opportunity Officer.
- 2.3 Formal Appeal Process: The formal appeal process has been established to resolve those grievances resulting from adverse employment actions that could not be resolved through either the preliminary or administrative appeal processes. This process is available to all staff employees.
- 2.4 Grievance: A disagreement between an employee and management on the terms or conditions of employment. A grievance may be filed as a result of one of the

following adverse employment actions: written reprimand, suspension without pay, demotion, or termination. The assignment of duties, performance evaluations/appraisals, scheduling of work hours, rate of pay, and other management decisions are reserved as management rights and cannot be appealed through the grievance process. Complaints involving allegations of discrimination or harassment are processed through [SAM 01.D.07, Discrimination and Harassment Policy](#) or [SAM 01.D.08, Sexual Misconduct Policy](#).

- 2.5 Grievant: A non-probationary staff employee who files a grievance under this policy.
- 2.6 Mediation: A process used to resolve workplace issues and/or disagreements as an alternative option to an appeal or grievance.
- 2.7 Respondent: The staff member against whom the grievance is filed.
- 2.8 Staff Employee (or Staff): A non-probationary employee employed on a regular basis for a period of at least four and one-half months, excluding students employed in positions that require student status as a condition for employment and those holding a teaching and/or research position classified as faculty.

### **3. POLICY**

- 3.1 It is the policy of the University of Houston-Downtown that all employees be treated fairly and consistently in all matters related to their employment, that employment decisions are based on lawful, job-related and non-discriminatory criteria, and that employees have the right to express grievances through informal and formal avenues.
  - 3.1.1. Any staff employee who has a disagreement with management on an adverse employment action: written reprimand, suspension without pay, demotion, or termination is provided a prompt, orderly, and fair response to his/her grievance under this policy.
  - 3.1.2. Intimidation, harassment, coercion, retaliation or reprisal in any form against an employee for filing a good-faith grievance, for participating in good faith on a hearing panel, serving as a witness, assisting another

employee in the filing of a grievance, or participating in any way in the grievance process is strictly prohibited.

- 3.1.3. Employees on probationary status are excluded from filing grievances under this policy. However, if a probationary employee believes that discrimination or harassment was a factor in a personnel action, they may proceed through [SAM 01.D.07, Discrimination and Harassment Policy](#) or [SAM 01.D.08, Sexual Misconduct Policy](#).

### 3.2 Staff Grievance Committee

- 3.2.1. The Staff Grievance Committee shall be selected from nominations provided by Staff Council.
- 3.2.2. Members of the Staff Grievance Committee serve three (3) year terms and are required to have a minimum of one year of full-time regular staff employment at UHD at the time of their nomination to the committee.
- 3.2.3. Members of the President's Executive Cabinet, President's Extended Cabinet and staff in the Office of Human Resources are ineligible for service on the Staff Grievance Committee.

### 3.3 Staff Hearing Panel

- 3.3.1. The Employee Relations Officer (ERO) or their designee will identify three (3) members to serve on the Staff Grievance Committee as panelists to hear the grievance. An alternate member will be selected to replace a regular member of the hearing panel if a regular member is unable to serve or when a potential conflict of interest exists.

## 4. PROCEDURES

- 4.1 The grievance process consists of three steps: mediation, the administrative appeal to the respective vice president or division head, and the formal appeal.
- 4.2 In the case of employment terminations, grievances shall proceed directly to the formal appeal.
- 4.3 Mediation
  - 4.3.1. A grievant may initiate the grievance process by submitting a written request for mediation to Human Resources setting forth the issues the

grievant believes need to be addressed, as well as the proposed resolution, no later than five (5) working days following the grievant's notification of the act, event, decision or condition which is the basis of the appeal. An exception to the five (5) working days may be granted through written request to the ERO. The ERO's decision on an exception is final and cannot be appealed.

4.3.2. Human Resources will schedule the mediation within ten (10) working days of the employee's request for mediation.

4.3.3. If the employee's grievance is not resolved in the mediation process, the employee may move forward with an administrative appeal.

#### 4.4 Administrative Appeal

4.4.1. The administrative appeal seeks administrative resolution of the grievance through the review of the respective vice president, division head, or designee (selected by the ERO in the event that a conflict of interest exists with the vice president and/or division head.

4.4.2. The grievant may file an administrative appeal by submitting a written administrative appeal to the respective vice president or division head, setting forth the issues the grievant believes need to be addressed, as well as the proposed resolution, by no later than five (5) working days after the conclusion on the mediation.

4.4.3. Absent extenuating circumstances, the vice president, division head, or designee overseeing the administrative appeal must communicate their decision on the appeal, in writing, to the grievant within five (5) working days from the date the administrative appeal was received, noting whether the grievance is substantiated or unsubstantiated. An extension may be granted by the ERO upon request.

4.4.4. The administrative appeal is the final step for employment actions that involve employment termination, unpaid suspension, or demotion actions. If the grievant's first or second-level manager is the department head or Vice President, actions that do not involve termination, unpaid suspension, or demotion actions are final.

#### 4.5 Formal Appeal

- 4.5.1. If the grievant is not satisfied with the decision resulting from the administrative appeal process, or if the grievance is concerning a termination action, the grievant may seek resolution through the formal appeal process. This is the final step in the grievance process.
- 4.5.2. The grievant will complete the [Staff Grievance Intake and Resolution Form](#) stating the details of the grievance, the names of any witnesses with relevant information, and the relief sought. Only those issues raised in the administrative appeal are eligible to be heard in the formal appeal process.
- 4.5.3. The Staff Grievance Intake and Resolution Form must be submitted by the grievant to the ERO within five (5) working days of the grievant's receipt of the administrative appeal decision or termination action. Exceptions to the five (5) working days may be requested in writing to the ERO. The decision on whether to grant the exception by the ERO is considered final and not subject to appeal.
- 4.5.4. Failure to submit the Staff Grievance Intake and Resolution Form to the ERO within five (5) working days from receipt of the decision, or denial of an exception by the ERO will be deemed a waiver of the right to pursue a formal grievance.
- 4.5.5. Absent extenuating circumstances, a hearing to review the issues surrounding the grievant's complaint will be scheduled by the ERO no later than thirty (30) working days after the ERO's receipt of the Staff Grievance Intake and Resolution Form. The ERO or their designee will identify three (3) members of the Staff Grievance Committee to serve on the Staff Hearing Panel to hear the grievance. An alternate member will be selected to replace a regular member of the hearing panel if a regular member is unable to serve or when a potential conflict of interest exists. If the hearing is not able to be scheduled within thirty (30) working days, the grievant will be notified in writing by the ERO.
  - 4.5.5.A No member of the hearing panel may be involved in any of the events surrounding the grievance.

- 4.5.5.B Neither the grievant's nor the respondent's department may be represented on the hearing panel.
- 4.5.5.C The hearing panel must represent a broad cross section of university staff.
- 4.5.5.D No more than one member of any department may serve on the hearing panel.
- 4.5.6. The purpose of the Staff Hearing Panel is to ensure that the action of the supervisor or other responsible person was not arbitrary, unfair or inconsistent with University policy and/or practice.
- 4.5.7. No later than fifteen (15) working days prior to the hearing, absent extenuating circumstances, the ERO or their designee will send a notice to the grievant and respondent stating the date, time, and location of the hearing.
- 4.5.8. If at any time during this process, the grievant becomes unresponsive or uncooperative, the ERO will terminate the grievance and notify all parties.
- 4.5.9. No later than five (5) working days prior to the hearing, the parties will submit to the ERO the following:
  - 4.5.9.A All documents to be considered by the hearing panel;
  - 4.5.9.B A list of witnesses, not to exceed four (a witness list including five or more names must receive prior approval from the ERO) expected to testify at the hearing. (The grievant and respondent are responsible for contacting their witnesses and providing them the date, time, and place of the hearing);
  - 4.5.9.C Request for the removal of one member of the hearing panel, if desired; and
  - 4.5.9.D Notification if they will be represented by legal counsel (including the name, address and telephone number of counsel).
- 4.5.10. No later than three (3) working days prior to the hearing, the ERO or his/her designee will distribute copies of all documentation and witness lists to both parties.

- 4.5.11. No later than two (2) working days prior to the hearing, the ERO or his/her designee will convene the hearing panel to review copies of the submitted materials, assist the panel in electing a chair, and discuss the Staff Grievance Hearing Panel Rules and Guidelines.
- 4.5.12. The ERO or their designee will attend the hearing for purposes of providing guidance on hearing procedures, but will not take an advocacy position.
- 4.5.13. All grievance hearings are recorded. Upon request of either party in writing to the ERO, recordings of the proceedings will be made available to the requesting party.
- 4.5.14. When all the evidence is presented and the hearing panel members have no further questions of either party or any of the witnesses, the hearing panel chair will adjourn the hearing, ensuring that the tape recording has ceased. After meeting with the ERO or his/her designee who will address policy/procedural questions, the hearing panel members will proceed to closed session deliberations.
- 4.5.15. No later than three (3) working days following the conclusion of the hearing, the panel will make a recommendation to uphold or overturn the employment action. The panel may also make additional recommendations for resolution. The chair will communicate the panel's recommended findings on the Staff Grievance Intake and Resolution Form and forward it to the ERO for final review.
- 4.5.16. The ERO will submit the Staff Grievance Intake and Resolution Form to the Vice President for Human Resources (VPHR) for review and final determination. Should the grievance be filed by a member of the Office of Human Resources, the hearing panel's recommendations will be forwarded to the Provost and Senior Vice President for Academic Affairs as designee.
- 4.5.17. No later than five (5) working days after receipt of the hearing panel's recommended finding, the VPHR, or designee will take one of the following actions and communicate their decision in writing to the

grievant respondent, and the ERO. The notification should indicate whether the VPHR:

4.5.17.A Accepts the panel's findings and recommendations, in whole or in part;

4.5.17.B Rejects the panel's findings and recommendations; or

4.5.17.C Remands the case to the panel with instructions to reopen the hearing, conduct further deliberations, or answer specific questions posed by the VPHR or designee.

4.5.18. The VPHR or designee's decision is final and not subject to further appeal.

#### 4.6 Staff Grievance Committee

4.6.1. The Staff Grievance Committee shall be comprised of fifteen (15) full-time benefits-eligible staff members. Staff Council will submit nominations to the Office of Human Resources each July, as follows:

4.6.1.A The Staff Grievance Committee shall be reflective and representative of the entire staff population at UHD, as deemed appropriate by Staff Council in consultation with HR.

4.6.1.B Selection of the Staff Grievance Committee membership will occur by election each August.

4.6.1.C Members of the Staff Grievance Committee are required to have a minimum of one year of full-time service in a staff position at UHD at the time of their nomination to the committee.

4.6.1.D The election is to be conducted by the VPHR or designee.

- Only full-time regular staff members may vote.
- Under the stated membership constraints, the nominees receiving the highest numbers of votes become committee members.

4.6.1.E Members of the Staff Grievance Committee serve rotating three-year terms with no more than one-third of the membership rotating off the Committee annually in September. The composition of the committee will be as follows:



<b>Division</b>	<b># of Positions on Committee</b>
Academic Affair	5
Administration and Finance	5
President's Office/Advancement and University Relations	1
Enrollment Management	2
Student Success and Student Life	2

## 5. REVIEW PROCESS

Responsible Party (Reviewer): Vice President for Human Resources

Review Period: Every three years on or before October 1, and as necessary.

*Signed original on file.*

---

President

## 6. POLICY HISTORY

Issue #1: 05/12/89

Issue #2: 10/16/95

Issue #3: 09/29/08

Issue #4: 09/10/09

Issue #5: 10/10/13

Issue #6: 08/15/16

Issue #7: 02/15/21

Issue #8: 08/08/22

## 7. REFERENCES

[PS 10.A.02](#)

[SAM 01.D.07, Discrimination and Harassment Policy](#)

[SAM 01.D.08, Sexual Misconduct Policy](#)

[Staff Grievance Intake and Resolution Form](#)

## 8. EXHIBITS

There are no exhibits associated with this PS.