Information

Grievances

Effective

May 2004

Number

PER-5.03

Applicability

This policy applies to University Administrators and Staff. This policy does not apply to Temporary Employees.

Administrative Authority

Vice President for Human Resources

Responsible Unit

Human Resources

Miller Information Technology Center Rm 02C

2315 South First Street Walk

Louisville, KY 40292

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History

August 11, 2017: Addition regarding administrators is consistent with Redbook Article 2.3, Sec,2.3.2

Revision Date(s): November 1, 2011; August 11, 2017 (effective November 30, 2017); May 27, 2020; October 27, 2020 (minor addition to Step 3 procedures); November 18, 2021 (minor changes to nomenclature); December 1, 2021 (minor edit to email); February 21, 2022 (minor edits); April 22, 2022 (minor edits); August 24, 2022 (minor edit); October 25, 2023; June 27, 2025; April 9, 2026 (minor revision)

Reviewed Date(s): March 9, 2016; August 11, 2017; June 13, 2025

Comment and Review Record:

Addition regarding administrators consistent with Redbook Article 2.3, Sec, 2.3.2

August 11, 2017

Endorsed by Staff Senate Grievance Committee

March 7, 2011

Endorsed by Staff Senate - Preliminary Draft

April 11, 2011

Approved by University Counsel as to Form and Legality

June 28, 2011

Vice President and Dean Comment Period

June 28, 2011 - July 15, 2011

Open Sessions for Community Comment

July 5 - 12, 2011

Final Draft Posted for Information

September 2, 2011

Final Draft Endorsed by Staff Senate

September 12, 2011

Reviewed by EC of Faculty Senate - No Action Required

October 19, 2001

Approved by Executive Vice President and Provost:

October 31, 2011

Categories

Reason for Policy:

To promote a culture where staff employees and supervisors may engage in constructive conversations regarding working conditions that convey institutional value to employees and afford employees an opportunity to seek redress for concerns regarding working conditions in the lowest and least formal means possible.

Statement:

Staff

Any staff member who believes that a condition of employment is unfair or a hindrance to effective operations or performance may initiate a grievance in accordance with the provisions of this policy. In like manner, First Line Supervisors, managers, and department heads are obligated to respond to grievances in a timely and material manner in accordance with the provisions of this policy.

Administrators

Administrators are not covered in their administrative roles by the grievance procedures for faculty or staff. If an administrator is aggrieved in his or her

administrative role, such administrator is entitled to an informal hearing before his or her immediate superior, and if this is not satisfactory in resolving the grievance, to an informal hearing before the President or a designee. The decision of the President shall be final in all matters except the termination of service of such administrators, which is subject to ratification by the Board of Trustees.

Prohibition Regarding Retaliation:

To ensure open and professional communications between employees and supervisors, no employee shall be subject to retaliation for exercising his or her grievance rights, participating as a witness in another employee's grievance, or serving as a personal advisor during another employee's grievance.

Related Information:

University of Louisville Redbook, Article 2.3, Section 2.3.2

The Redbook, Section 5.8

Definitions:

1. Examples of Grievable Actions:

A. Working Conditions.

B. Written Warnings.

C. Suspension without Pay (in lieu of appeal).

D. Unsatisfactory (Needs Improvement) Performance Evaluation.

E. Inconsistent or improper application of University policy or procedure.

2. Examples of Non-Grievable Actions:

A. Organization and definition of work (e.g. job descriptions, assignment of supervisor or unit, work location, working hours).

B. Performance Expectations (unless alleged to be arbitrary, capricious, or not reasonably attainable).

C. Clarification of expectations or non-disciplinary letters of instruction.

D. Position Classification, Salary, Grade, or Salary within Grade.

E. Complaints alleging discrimination or a bias incident, as defined by applicable law, and as governed by the University's Reports of Bias Incidents, Discrimination, and Harassment Policy.

3. First Line Supervisor: The employee's immediate supervisor.

4. Second Line Supervisor: The immediate supervisor of the employee's supervisor.

5. Temporary Employee: A person employed in a position that is established for a limited period of time not to exceed six months.

6. Workday: Those days, Monday through Friday, on which the university is in normal operation.

http://louisville.edu/hr/policies/definitions

Procedures:

1. Step 1 Grievance:

- A Step 1 Grievance is submitted to the employee's First Line Supervisor. The employee shall first attempt to resolve his or her grievance by submitting a statement in writing to his or her First Line Supervisor outlining the basis of the grievance.
- The grievance must be submitted within **15 Workdays** of the event (or awareness of the event or working condition) which gives rise to the grievance; otherwise, these grievance procedures shall not apply and the employee shall have no other recourse.
  Note: A request for mediation may be submitted at any time before a grievance is filed and temporarily suspends grievance deadlines, as long as both parties agree to participate in mediation. If mediation is not successful, the grievant may proceed with a grievance within five additional Workdays of the

suspension or termination of mediation efforts. See Procedures **Alternative Dispute Resolution/Mediation** section below.

- The employee shall convey a copy of his or her grievance to the Human Resources Office, concurrent with submitting a copy to his or her immediate supervisor.
- The grievance shall include the following:
    - Statement of the grievable action that the employee believes is unfair, inequitable, or which constitutes a hindrance to the effective operations or performance of the department or the employee. Employees may use a letter format or the Staff Grievance Form available at http://louisville.edu/hr/forms/grievance.
    - Statement of response or remediation requested.
- **Within five Workdays** of receiving the grievance, the employee's First Line Supervisor shall respond in writing, outlining what actions, if any, the supervisor is willing to undertake in response to the grievance. The supervisor shall provide a copy of his or her response to the employee and to the Human Resources Office.
- If the employee's First Line Supervisor does not respond to the employee's grievance within five Workdays then the grievant's proposed remedy will be accepted and any disciplinary action will be rescinded. If the employee is not satisfied with the First Line Supervisor's response, the employee may file a Step 2 Grievance (as provided below) within five Workdays of the dissatisfaction with the response to the Step 1 Grievance.
- The Second Line Supervisor becomes involved and the grievance may proceed to Step 2 only when the First Line Supervisor responds and the grievant is not satisfied with the response.
- If during the time of the initial grievance additional concerns arise related to initial grievance, such concerns may be combined to the original. At no time, unless action listed on immediate discipline list, should a grievance progress to the final written warning level before the first written warning is adjudicated.

- Statement of the grievable action that the employee believes is unfair, inequitable, or which constitutes a hindrance to the effective operations or performance of the department or the employee. Employees may use a letter format or the Staff Grievance Form available at http://louisville.edu/hr/forms/grievance.
- Statement of response or remediation requested.

2. Step 2 Grievance:

- A Step 2 Grievance is submitted to the Human Resources Office. If the employee is not satisfied with the response of the First Line Supervisor, the employee must submit a written statement describing that he or she is not satisfied with the response from the First Line Supervisor.
- The Human Resources Office shall forward the employee's grievance to the employee's Second Line Supervisor, together with a copy of the employee's original grievance, the response, if any, from the employee's First Line Supervisor, and the employee's Step 2 written statement, if any.
- Within **five Workdays** of receiving a Step 2 Grievance, the employee's Second Line Supervisor shall respond in writing, outlining what actions, if any, the Second Line Supervisor is willing to undertake in response to the grievance. The Second Line Supervisor shall provide a copy of his or her response to the employee and to the Human Resources Office.
- If the employee's Second Line Supervisor does not respond to the employee's grievance within five Workdays then the grievant's proposed remedy will be accepted and any disciplinary action will be rescinded. If the employee is not satisfied with the Second Line Supervisor's response, the employee may file a Step 3 Grievance (as provided below) within five Workdays of the dissatisfaction with the response to the Step 2 Grievance.
- Grievances will not move to the Staff Grievance Committee or Grievance Authority (Step 3 Grievance) unless all steps to this point on the policy have been completed.

3. Step 3 Grievance:

- A Step 3 Grievance is submitted to the Human Resources Office. If the employee is not satisfied with the response of the Second Line Supervisor, within five Workdays of receipt of response, the employee must submit a written statement describing what he or she is not satisfied with in the response from the Second Line Supervisor. A Step 3 Grievance is ultimately decided by the employee's Grievance Authority. When filing a Step 3 Grievance, the employee must specify to the Human Resources Office whether he or she desires to submit his or her grievance directly to employee's Grievance Authority* or to the Staff Grievance Committee.
- The Human Resources Office shall forward the employee's grievance to the employee's Grievance Authority or the Staff Grievance Committee (as specified

by the employee, above) together with a copy of the employee's original grievance and the response, if any, from the employee's First and Second Line Supervisors and the employee's Step 3 written statement.
- If a grievance is submitted to the Staff Grievance Committee, the committee will conduct a grievance hearing, as provided in Section 4 below, and forward the grievance together with the committee's findings and recommendations to the employee's Grievance Authority.
- The employee's Grievance Authority shall render a decision in writing within 10 Workdays following receipt of the grievance from the employee or from the Staff Grievance Committee. The grievance authority's decision, together with a copy of the Staff Grievance Committee Report, if any, shall be conveyed to the employee, subordinate managers, and the Human Resources Office.

*In extenuating circumstances, both the grievant and the Staff Grievance Committee have the right to request a change to the Grievance Authority if the standard Grievance Authority was directly involved in the issuance of the discipline or the condition being grieved. Whether or not to elevate the Grievance Authority is in the sole discretion of the Vice President of Human Resources.

4. Role and Procedure of the Staff Grievance Committee

If the employee requests that his or her grievance be submitted to the Staff Grievance Committee preparatory to submission to the final administrative authority (as specified in Section 3 above), this section shall apply:

A. Committee Role

The committee's role shall be to assist the grievance authority in fact finding and recommending a course of action. The committee chair shall file a report with the grievance authority. The report shall either recommend upholding the original grievance response at Step 2 or reversing the Step 2 response and recommending an alternative course of action. The committee will also recommend to the grievance authority whether or not the grievant's proposed remedy should be approved.

B. Committee Composition

The composition of the Staff Grievance Committee is within the discretion of the Staff Senate. Generally, the committee will consist of three members, including at least one supervisory member and one non-supervisory member.

C. Grievance File and Related Documents

The Human Resources Office shall provide the Staff Grievance Committee with copies of the original grievance and supervisory and management responses at Step 1 and Step 2, if applicable, in advance of the hearing. If the grievance pertains to job performance, the Human Resources department will also provide copies of the employee's position description, and the employee or department must provide copies of the three most recent performance evaluations on file. The grievant and respondent shall each receive a complete copy of all documentation.

D. Hearing Agenda

The Staff Grievance Committee shall be convened upon receiving a grievance from the Human Resources Office. The committee shall submit the grievance materials, its summary of the grievance, and its recommendations to the department head or director within 15 Workdays of its receipt of the request. The committee will adopt its own guidelines regarding the hearing agenda, subject to each individual grievance case. All parties requested to participate in the hearing are expected to attend.

E. Witness Statements

- Either the grievant or respondent may propose that the committee interview witnesses by providing a list of proposed witnesses in advance to the committee together with a brief statement as to what evidence the witness is expected to present. The committee may also call its own witnesses.
- The decision as to the relevance of witness testimony, if any, and whether or not the witness shall be called shall be within the sole discretion of the chair, in consultation with the committee.
- Witness testimony shall be limited to matters that have a direct bearing on the grievance. Character interviews are not permitted.
- Supervisors shall provide regular work time for the purpose of participating in the grievance committee hearing for all parties involved.

F. Participation of Committee Members

Upon proper recognition by the chair, any committee member may ask questions of either party or witness at any time during the hearing.

G. Committee Deliberations

The committee's deliberations shall be in closed session. The committee may undertake deliberations immediately following the hearing or may adjourn to a future time to conduct deliberations, provided the committee concludes its final report within 15 Workdays of being notified of the grievance.

Given that the committee's findings and recommendations are advisory in nature, the grievance authority is best served if the committee makes decisions by consensus, rather than voting, and that the decision making process is documented in the final report.

H. Findings and Recommendations

- Findings of Fact. Where facts are in dispute, the committee must make findings of fact. The standard for fact finding in the grievance process is a reasonable person's determination that one account is "more likely than not" to be true, based on an evaluation of the whole record (including both documentary and testamentary evidence).
- Recommendations regarding Grievance. The standard for management decision making is that a manager's decision must be both reasonable and rational, given the facts available to the decision maker. In similar fashion, the recommendations of the grievance committee must be predicated on a reasonable and rational basis. It is not the role of the grievance committee to simply supplant the Step 2 manager's judgment for its own. A recommendation to overturn or modify the Step 2 manager's decision must be supported by a specific finding that the Step 2 manager's decision failed to reflect a reasonable and rational decision, given the facts available to the Step 2 decision maker at the time the Step 2 decision was made.
- Recommendations regarding Requested Remedy. In addition to submitting findings of fact and recommendations regarding the Step 2 grievance, the grievance committee must submit recommendations to the grievance authority as to whether the grievant' s requested remedy should be approved or not.
- Collateral Recommendations. Part of the role of the staff grievance process is to ensure that terms and conditions of employment, including working conditions, reflect the university's mission, goals, and values. Consequently, it is permissible and entirely appropriate for the grievance committee to submit such collateral recommendations to the grievance authority regarding terms

and conditions of employment or working conditions as the committee deems appropriate.

I. Grievance Committee Report

The chair of the Staff Grievance Committee is responsible for submitting the committee's report to the grievance authority within 15 days of receiving the grievance. The committee's report shall be accompanied by all relevant documentation, including Steps 1 and 2 grievance documents.

The committee report should reflect the decision-making process of the committee and indicate whether decisions were adopted by consensus or voting. If the committee does not achieve consensus in its deliberations, the report may reflect a minority view or a minority report may accompany the committee chair's report.

J. Confidentiality

The staff employee grievance process is confidential. All parties - including grievant, respondent, witnesses (if any), and committee members - shall be cautioned at the outset of the hearing by the chair that the grievance should not be discussed outside of the grievance process.

5. Final Administrative Decision

The committee's findings and recommendations are advisory in nature and do not bind the grievance authority or limit the discretion of the grievance authority to manage the operations of the college, school, or division as the grievance authority sees fit.

The grievance authority exercises discretion to affirm or rescind any disciplinary action, revise the overall performance evaluation rating, or otherwise amend any action taken by a subordinate's manager or supervisor. The grievance authority's decision is the final administrative decision for the university and is not subject to further appeal.

Alternative Dispute Resolution/Mediation Services

To facilitate informal resolution of disputes among employees and supervisors, the university maintains an Ombuds Office. This office provides facilitated discussions, alternative dispute resolution services, and mediation services to employees and

supervisors who mutually agree to participate in alternative dispute resolution processes. At no time during the grievance process or during facilitated discussions, alternative dispute resolution, or mediation processes will a representative of the Ombuds Office assume an advocacy role or serve as a personal advisor of the grievant or respondent. Additional information regarding the Ombuds Office and its services is available at http://louisville.edu/ombuds. For additional information regarding mediation, please contact the Human Resources at hrbpsvcs@louisville.edu.

Any party to a grievance may request the services of the Ombuds Office or request mediation by submitting a request, in writing, to the Ombuds Office, with a copy to the opposing party and to the Human Resources Office. If both parties agree to participate in alternative dispute resolution or mediation services, the time frames cited in this policy shall be suspended pending a final resolution of the grievance through alternative dispute resolution or mediation services or until either party elects to opt out of such procedures.

If either party declines to participate in alternative dispute resolution processes or withdraws from the alternative dispute resolution process, once undertaken, the employee shall have five additional Workdays to proceed with the next step in the grievance process.

[Transition Note: The deadline specified above supersedes any longer deadline specified in the university's general mediation procedures, provided the employee receives appropriate notice of the shorter deadline, pending revision or clarification to mediation procedures.]

Grievances Outside Normal Reporting Lines

If an employee has a grievance regarding the application of a university-wide policy or regarding a matter that is outside the employee's normal reporting line, the employee shall attempt to resolve the grievance through informal discussion with the Vice President for Human Resources or designee. As an alternative, the employee may approach his or her immediate supervisor regarding the matter; the immediate supervisor may then approach the Vice President for Human Resources or designee on behalf of the employee if the supervisor chooses to do so. If the matter is not resolved through informal discussions, the following procedure shall be followed in pursuing the grievance:

1. The employee shall file a written grievance with the Vice President for Human Resources within 15 Workdays of the incident causing the grievance. The written grievance shall include a full statement indicating the basis for the grievance and the solution that the employee seeks.
2. The Vice President for Human Resources shall respond to the grievance in writing within 15 Workdays of receiving the grievance materials and shall provide a copy of his or her determination to the Director of Human Resources for record keeping and future policy guidance.
3. The response of the Vice President for Human Resources shall be final.

Extensions of Time

After a grievance has been filed, any person involved in the grievance procedure may contact the Director of Human Resources or designee to request in writing an extension of time in which to respond and providing the reasons for the requested extension. The Director of Human Resources or designee may grant such an extension at his or her sole discretion and will notify all persons involved. An extension of time may also be granted if a staff member submits a second grievance during the review of their first grievance. The committee will review both grievances and issue a report of their findings and recommendations.

Responsibilities:

Roles of University and Employee Representatives

HR Representative

To assist in resolving an employee's grievance, the resources and consultation available from the Human Resources department must be made available to all parties, on request, including the Staff Grievance Committee. In all instances, the role of an HR representative is to provide advice and counsel regarding university policy, permissible and advisable courses of action, and process questions. HR representatives may not serve as an advocate or personal advisor of either party during grievance processes, but must be neutral and non-deliberative with respect to grievance issues. If policies are in question, the HR representative shall be the sole authority to advise the committee on staff personnel policies.

Staff Grievance Officer

As provided in The Redbook (at Section 5.8.2), the Staff Grievance Officer is available to advise staff employees on grievance and disciplinary processes, to include helping an employee prepare for a grievance committee hearing. While the Redbook prohibits the Staff Grievance Officer from serving as a personal representative or advocate for the employee in a grievance process, if requested by the employee, the Staff Grievance Officer may serve as the employee's "personal advisor" as noted in this section, upon the employee's request.

Personal Advisors

At any time during the grievance process, an employee or supervisor may be accompanied by a personal advisor. The role of a personal advisor shall be to provide private advice to the employee or supervisor during proceedings. The personal advisor may not take an active part in the proceeding or speak to the committee on the employee's or supervisor's behalf. [Note: If the personal advisor is a staff employee of the university, management shall provide regular work time for the purpose of participating in the grievance committee hearing. Preparation time, if any, shall occur on the employee's and the personal advisor's own time.]

Informal/Alternative Dispute Resolution Processes, Mediation Services

Human Resources Office staff, staff in the Ombuds Office, or the Staff Grievance Officer shall be available to assist either employees or managers by providing information related to grievance processes and to assist employees and supervisors or managers in achieving a mutually agreeable resolution to a presenting grievance in the most informal manner possible. HR staff, Ombuds staff, and the Staff Grievance Officer shall serve as "honest brokers" with no vested interest in the specific outcome of a grievance other than to promote the mutually agreeable resolution of a grievance between the parties. Neither HR staff, Ombuds staff, nor the Staff Grievance Officer shall serve as an advocate on behalf of either the employee grievant or management respondent to a grievance. [See Procedures section, **Alternative Dispute Resolution/Mediation Services**].

Grievance Authority

The authority to make a final administrative decision with respect to an employee grievance is exercised by the employee's department head or director, provided such individual serves at least three levels above the employee, otherwise the next higher level in the chain of command above the level of department head or

director; otherwise the employee's vice president or dean (provided such individual serves at least two levels above the employee). The grievance authority for employees who report directly to a vice president, dean, or executive vice president will be the executive vice president (although this will reduce the number of steps in the grievance process).