# THE UNIVERSITY OF MICHIGAN

## STANDARD PRACTICE GUIDE

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| **SECTION:** | Human Resources | **Number:** | 201.8 |
| | | **Revised:** | 7/01/05 |
| **SUBJECT:** | Grievance Procedures and Dispute Resolution | **Date Issued:** | |
| | | **Review Date:** | 7/01/09 |
| | | **Attachment(s)** | 0 |
| **APPLIES TO:** | Regular and Temporary Staff Members, except those covered by the Faculty Appeal Procedure for Schools, Colleges, and other academic units, and those represented by a bargaining unit | | |
| **ISSUED BY:** | Human Resources and Affirmative Action and the Office of the Provost and Executive Vice President for Academic Affairs | | |

## I. Policy

An employee will be afforded the opportunity to file a grievance on matters associated with the employee's employment relationship with the University or to enter into a dispute resolution process to facilitate resolving misunderstandings and maintain positive work relationships. An allegation that an employee's rights under this policy have been violated also will be subject to review under the grievance procedure. (This procedure is not available for resolving disputes or concerns regarding the University's Benefit Plans. A separate procedure, administered by the Benefits Office, exists for those matters.)

## II. Regulations

A. Pre-Grievance Counseling

Representatives of Human Resources and Affirmative Action (i.e. Staff Human Resources, Mediation Services**,** Health System Human Resources, Flint and Dearborn Human Resources), and, in situations when unlawful discrimination is alleged, a representative of the HR/AA Office of Institutional Equity, will be available to counsel employees who believe they have a grievance.

The role of the counselor is to help the grievant identify the source of the problem and provide the grievant with information concerning University resources, policies and Standard Practice Guides, as well as information about protective state and federal laws and regulations which may have a bearing on the potential grievance.

B. Informal Resolution

The University will make a good faith effort to seek informal resolution of a problem brought to the attention of a Human Resources representative, through discussion and communication with the department or unit involved and with appropriate University officials. Employees and supervisory personnel are expected to consult with the appropriate offices and consider the option of mediation or other dispute resolution mechanisms before proceeding with the formal grievance process.

Efforts will be made to protect the privacy of persons involved to the extent possible.

Informal avenues for University employees to discuss work-related conflicts and resolve disputes are available from Human Resources. Specialized assistance using a trained mediator is available (see SPG 201.09). The use of any of these services will not deny a grievant continuing access to the prescribed grievance procedures.

Staff at Dearborn and Flint and within the Health Systems have access to the Informal Resolution option and may have other dispute resolution mechanisms available. Check with the appropriate HR/AA office.

C. Grievance Procedure

The Grievance Procedure is a three step management review process whereby employees may address matters associated with their employment in accordance with the procedures set forth in this Standard Practice Guide. The process begins generally with a conversation between the employee and his/her supervisor (step 1). If not resolved there, step 2 in the process is for the employee to submit his/her concerns in writing to the next level of supervision. The final step, if needed, is the University Review Committee (see Procedures and item 6 below).

1. Time Standards

Time limits set forth for filing and appealing grievances, must be strictly followed by the grievant. Mutually agreeable adjustments in the time period for holding a review meeting and in issuing an answer may be made due to the unavailability of a necessary party. The grievance is considered settled on the basis of the last answer if the grievant fails to appear at a scheduled review meeting or does not appeal on a timely basis.

When both parties in a formal grievance process request it, the time clock on the grievance procedure may be stopped for a time period satisfactory to both parties to allow for a good faith attempt to resolve the conflict or disagreement through mediation.

2. Modification

The progression from Steps 1 through 3 (see attached procedures) may be modified by the University by reducing the number of steps for grievance resolution where the origin of the grievance, the operational unit involved, or the content and scope of the grievance makes that progression impractical. In addition, at the option of the grievant, the grievance may begin at a level above the supervisor involved if the grievance alleges unlawful discrimination by such supervisor.

3. Assistance in Review Meetings

An employee may select any individual (except an employee who is included in a University collective bargaining unit or the grievant's immediate supervisor) to assist in the review meetings at Steps 2 and 3. If the assistant is a University employee, the assistant will not lose time or pay for attending meetings held during the assistant's normal working hours.

4. No Loss of Time or Pay

An employee's attendance at a grievance review meeting held during normal working hours shall be with pay. Any other time spent in formulating or preparing a grievance shall be done outside the regular work schedule and shall be without compensation.

5. Discipline Grievances

Grievances concerning discharge, disciplinary layoff, a written reprimand in lieu of a disciplinary layoff, alleged sex harassment or alleged unlawful discrimination will begin at Step 3.

6. University Grievance Review Committee

   The University Grievance Review Committee includes the head of the aggrieved employee's operating unit, or a designated representative, who is responsible for the answer; an appropriate Director of Human Resources or a designated representative, who will preside and is responsible for conducting the review; and an employee not employed in the vice presidential or vice chancellor area in which the aggrieved employee works, who will be selected by the aggrieved employee from a panel appointed by the Vice Presidents and Vice Chancellors. When unlawful discrimination is alleged, the committee will also include an HR/AA representative of the Office of Institutional Equity.

   The conduct of the meeting is prescribed by the University. The employee will have an opportunity to present all relevant information to the University Review Committee during the meeting. The Committee will consider this information in formulating its response. Participants should not expect that witnesses will be called, testimony taken or that the proceedings will be recorded electronically.

   The University Grievance Review Committee may explore the context in which the grievance occurred and consider other remedies. When one or more members of the committee do not agree with the grievance answer proposed by the operating unit, the member(s) may present concerns to the appropriate Executive Officer or designee for review.

7. Limits on Financial Reimbursement

   Except as otherwise specifically provided, University liability for back wages or other financial reimbursement is limited to the period of 30 calendar days prior to the University's knowledge of the facts brought to the University's attention through this procedure.

D. Cooperation/Non-Retaliation

   These procedures are designed to provide a fair internal mechanism for resolving disputes of employees. The success of these procedures depends upon willingness of all members of the University community to participate when asked and to participate truthfully. An appeal under this procedure will not cause any reflection on the individual's status as an employee nor will it affect future employment, compensation or work assignments. Retaliation against an employee who participates in the grievance or any informal resolution process is prohibited. An employee who penalizes or retaliates against another employee may be subject to corrective action.

Grievance Procedures and Dispute Resolution Procedures.

| RESPONSIBILITY | ACTION |
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| Employee | Seek pre-grievance counseling, and consider informal resolution. |
| Human Resources | Advise the employee concerning University policies, practices, options and resources for mediation, Standard Practice Guides, and protective laws and regulations.<br><br>Work to informally resolve a grievance. In no event shall this effort void the time limits established in the procedure outlined in the Standard Practice Guide, except when parties choose to participate in mediation, per SPG 201.09. |
| Employee (Step 1) | Within 15 calendar days (30 calendar days if the grievant works with a representative of HR/AA or the Office of Institutional Equity to informally resolve a grievance) of knowledge of the facts giving rise to the grievance, discuss grievance with immediate supervisor, or consistent with II.C.2. above, and at the option of the grievant, at a level above the supervisor involved if an allegation of unlawful discrimination against the supervisor.<br><br>Employee should clearly inform the supervisor they consider the discussion the 1st step of the grievance process. |
| Supervisor | Reply orally to employee within three mutual working days from date of discussion. At this step supervisors are strongly encouraged to use informal dispute resolution to resolve problems. |
| Employee (Step 2) | If not satisfied with oral answer, may appeal in writing to Department Head.<br><br>Complete Grievance Form 39707. Obtain advice as needed from appropriate Human Resources Office.<br><br>Present Grievance Form 39707 to Department Head (or equivalent level of supervisor) or his/her designated representative within seven calendar days following an unsatisfactory answer. If no answer is received within the time limit of three (3) mutual working days from date of discussion, the grievant may appeal at any time within seven calendar days after the due date. |
| Department Head | Upon receipt of written appeal:<br><br>Notify Human Resources representative and send copy of grievance.<br><br>Schedule review meeting and hear oral presentation of grievance within seven calendar days of receipt of written grievance. |

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| | Provide employee with a written response to grievance within seven calendar days of review meeting. |
| Employee (Step 3) | If not satisfied with the answer, appeals to the University Grievance Review Committee within 14 calendar days after receipt of Step 2 answer. If no Step 2 answer is received within seven calendar days of review meeting, may appeal to the University Review Committee within 14 calendar days of the due date (grievance involving lost time, discipline or discharge begins at Step 3 and must be filed within the time limits set forth for a Step 1 grievance).<br><br>Present Grievance Form 39707 (including Step 2 answer) to the University Grievance Review Committee. |
| Presider of University Grievance Review Committee | Upon receipt of written appeal, schedule review meeting within 30 calendar days of receipt of written grievance. |
| University Grievance Review Committee | Review the record and hear the presentation of the grievance. Meet and consult as necessary. Issue answer to the grievance. |
| Presider of University Grievance Review Committee | Assure that written response to grievance is issued within 60 days from date of hearing (30 days when the grievant is appealing a discharge, a lost time disciplinary action, or alleged unlawful discrimination.) |
| Member(s) of the University Grievance Review Committee | If not in agreement with the proposed answer, submit the matter to the appropriate Executive Officer. |
| Executive Officer | Review the record, determine whether the proposed answer requires reconsideration or direct the University Grievance Review Committee to issue the answer. |
| Head of Operating Unit | If findings include the conclusion that a representative of the University with supervisory responsibility violated University policy, consider corrective action as provided in SPG 201.12. |
| Employee | No further appeal is available under this policy. |

Procedures are issued by Human Resources and Affirmative Action Administration, and HR/AA retains the authority to revise them as necessary. Inquiries should be directed to HR/AA.