DEFINITIONS

For purposes of this policy:

Grievance is defined as a complaint or dispute initiated by an employee concerning terms and conditions of his/her employment at the University.

Days shall refer to working days. A working day is defined as all weekdays, which are not designated as holidays. In computing any period of time prescribed herein, the date of the act, event, or default for which the designated period of time begins to run shall not be included. Time limits specified herein may be extended by mutual agreement of the parties involved at the relevant step of the procedure.

Respondent refers to the representative of the University authorized to respond to the grievance on behalf of the University.

GRIEVANCE COMMITTEE

A. Composition of the Committee

1. Number of members. The committee shall have six (6) members including the chair.

2. Representative membership. Of the six members, three (3) shall be staff not covered by a collective bargaining agreement. Three (3) will be members who are Montana University System (MUS) contract professionals and/or administrators. Staff Senate will nominate at least four (4) persons for the staff appointments. No members shall be from the grievant’s employing department or office.

The President will make the appointments. In the event an appointed committee member is unavailable, an alternate will be selected by the President from the nominees.

Notwithstanding committee membership composition as set forth here, the President may appoint the same number of staff and MUS contract representatives from another Montana University System campus.
B. **Quorum**

The presence of any four of the six members of the Grievance Committee will constitute a quorum.

C. **Appointment of Officers**

The President will appoint a member of senior leadership as chair. Each Committee member, including the chair, shall have one vote.

**GRIEVANCE PROCEDURE FOR COMPLAINTS**

A. **Informal Procedure**

Step 1. A complaint shall be presented to the grievant’s immediate supervisor within ten (10) working days of the incident resulting in the complaint. If the supervisor and grievant are unable to resolve the grievance satisfactorily within five (5) working days after presentation of the grievance, the aggrieved party may proceed with Step 2 of the informal grievance procedure.

Step 2. The grievant shall present the grievance to the Department, Office, or Unit Administrator (i.e., Dean, Director, or Vice President) within five (5) working days of the conclusion of the Step 1 informal attempt at resolution. If the grievance is not resolved to the grievant’s satisfaction within ten (10) working days after presentation of the grievance, the aggrieved party may proceed with Step 3.

Step 3. The grievant shall state the grievance in writing to the Associate Vice President of Human Resource Services within five (5) days of conclusion of Step 2. If the grievance is not resolved to the grievant’s satisfaction within ten (10) working days, the grievant may use the formal procedure.

B. **Formal Procedure**

Step 1. **Appeal from the Informal Procedure to the Formal Procedure:**

a. **Grievant’s Statement.** The grievant will have five (5) working days after conclusion of Step 3 of the informal attempt at resolution in which to submit a summary of his/her position to the Committee and the respondent. The summary will include:

1. A statement of the relevant facts;
2. Copies of documents to be submitted as evidence;
3. The remedy sought by grievant;
4. The names, addresses, and telephone numbers of persons grievant will call as witnesses at the hearing; and

5. The steps taken to informally resolve the grievance.

The grievant should specifically request in writing either an open or closed hearing and the reasons for that choice. The Committee will give preference to that request if legally permissible. The Associate Vice President of Human Resource Services will serve in an advisory/facilitative capacity to the Committee being present at all meetings of the committee. If the grievant will be represented by professional or other counsel, the name, address, and telephone number of that person should also be stated in writing at the time of this appeal.

b. Respondent's Statement. After receipt of grievant's summary, respondent will have ten (10) working days in which to submit a summary of his/her position to the Committee and grievant. The summary will include:

1. A statement of relevant facts;
2. Copies of documents to be submitted as evidence;
3. A response to grievant's position; and
4. The names, addresses, and telephone numbers of persons respondent will call as witnesses at the hearing.

c. Legal Counsel Representation. Either party may be represented by counsel. However, if either party elects to have counsel, the opposing party will be so notified in writing.

d. Hearing Preparation. Preparation of the grievant's summary and preparation for a hearing before the Grievance Committee is to be done during non-working hours.

e. The Hearing. The Grievance Committee will review the grievance. Within fifteen (15) working days from receipt of respondent's position summary, the Grievance Committee will review the written documents provided by both parties and conduct a hearing.

Testimony may be requested from persons with knowledge of facts relevant to the grievance. The role of the committee is to determine whether there was compliance with all relevant laws, rules, regulations, and policies by the employer and employee alike.

The committee will conduct the hearing but will not apply strict rules of evidence or conduct an adversary proceeding. In order to provide a fair and complete hearing, the grievant will present his or her position first.
Questions from a committee member that do not unduly impede the continuity of the party’s presentation may be entertained at any time during the hearing. However, the chair will be the final arbiter of all procedural matters.

f. The Decision. The Grievance Committee will meet in closed Executive Session to make its determination. Members of the Committee (or their duly appointed alternates) and the Associate Vice President of HRS may attend this meeting. Any decision reached by the Committee must be approved by a majority of the members present and voting.

The decision of the Committee will be presented to the grievant in writing within ten (10) working days after the hearing. The decision will contain the following:

1. A summary statement of the grievant’s charges;
2. A statement of the remedy sought;
3. A statement of the specific findings of fact and conclusions of the Committee regarding whether the evidence substantiated the grievant’s complaint; and
4. Recommendations regarding redress of the grievance.

If the grievance is not resolved to the grievant’s satisfaction, the aggrieved party may proceed with Step 2 of the formal grievance procedure.

Step 2. Appeal of the Grievance Committee’s decision

The President, or designee of the President, will review and respond in writing to the grievance within fifteen (15) working days of receipt of the appeal. The response will include any actions, which have been or may be taken to resolve the grievance. The President’s decision will be final and binding.