

STAFF AND ADMINISTRATOR GRIEVANCE POLICY

POLICY STATEMENT

This policy is intended to provide an administrative process for investigation and resolution of grievances by Staff and Administrators at Chapman University.

REASON FOR THE POLICY

The purpose of this policy is to promote prompt and efficient investigation and resolution of grievances at Chapman University. This process shall be the method for resolving all alleged grievances for staff and administrative employees who occupy positions other than "temporary" and have achieved regular employment status.

POLICY

Any employee of the University, regardless of status, may bring to the attention of his/her supervisor, the appropriate dean or director, or the Vice President of Human Resources, allegations discussed below. The person to whom the allegation is made will review the allegation and either take appropriate action or report the allegation to the appropriate University official.

Concepts and Definitions

The term "grievance" as defined in this policy shall apply to the following:

- 1) An allegation that the grievant's employment rights and entitlements have been adversely affected due to a violation, misapplication or misinterpretation of University policies, regulations, or procedures.
- 2) An allegation that a federal or state law has been/is being violated or is about to be violated.
- 3) An allegation that a safety hazard exists that threatens the health or well-being of the grievant.

The term "grievant" shall mean an identified staff or administrative employee (or group of employees) employed by Chapman University at the time of the action giving rise to the grievance.

The process outlined here does not apply to cases of alleged civil rights discrimination, or sexual or other harassment. The University's Discrimination, Harassment and Discrimination policy applies to all employees regardless of status and provides guidance in these areas.

The term "working days" shall mean those days when the business offices of the University are open.

The commitment of both the University and the grievant is necessary so that the grievance procedure will achieve its designed objectives. Accordingly, if the grievant seeks resolution of the subject matter of a pending grievance in any forum or by any set of procedures other than those established in this procedure, whether administrative or judicial, the University shall be under no obligation to proceed any further with the matter hereunder. The act of filing an action in another forum in order to avoid violating a time limitation shall not necessarily be considered a violation of the intent of this

paragraph.

Grievance proceedings shall be conducted on a “need to know” basis. All hearings shall be held in private.

Steps in the Grievance Process and time limits generally are followed as outlined below. Omission or re-ordering of one or more steps in the process may be approved in writing by the Human Resources Department if the circumstances of the grievance justify such action. Delays in time limits at any step in the process may be requested and approved by the University or the employee. If the University fails to meet an established deadline, the grievance will be advanced automatically to the next level. If the grievant fails to meet an established deadline, the grievance shall be deemed withdrawn.

In order for a grievant to have access to this procedure, the grievant must notify the Human Resources Department verbally or in writing that s/he is beginning the grievance process in accordance with the steps below.

This notification must be made as soon as possible after the date on which the grievant knew or should have known of the action or condition that occasioned the grievance.

Retaliation

No employee shall be discriminated against or otherwise treated unfairly for filing a grievance, testifying, or assisting in the investigation process pursuant to this grievance procedure. However, an employee who misuses the grievance procedure, for example, knowingly misrepresents facts in the filing of a grievance or during an investigation, is subject to disciplinary action.

Informal Resolution of Problems

It is intended that, whenever possible, all problems be resolved informally, before the filing of a formal grievance. Open communication between supervisors and subordinates is encouraged so that resorting to the formal grievance steps will not be necessary.

Employees should first discuss questions or problems with their immediate supervisors, who may be able to effect a prompt resolution. In addition, the supervisor and/or employee are encouraged to contact the Human Resources Department or the Equal Opportunity Office for assistance in resolving grievances informally. Staff in Human Resources or Equal Opportunity will attempt to mediate and facilitate a solution satisfactory to both parties. This can be particularly useful in situations where the employee is uncomfortable discussing the problem directly with their supervisor.

Formal Resolution of Problems

Step 1 – Written Grievance to the Supervisor

If the grievance is not resolved satisfactorily at the informal level and the grievant wishes to pursue the matter, the grievant will file a written grievance with the Human Resources Department, addressed to the supervisor, within ten days of the conclusion of the attempts of informal resolution, as discussed above.

This written submission shall state the specific policy, regulation, or procedure alleged to have been misinterpreted, misapplied, or violated, the effect on the grievant and the relief requested.

The Human Resources Department will forward the step 1 grievance to the supervisor.

The supervisor, upon receiving the grievance, shall investigate the matter as appropriate and respond to the grievant in writing, through the Human Resources Department, within fifteen (15) working days of the date the grievance was received by the supervisor.

Step 2 – Written Grievance to the Dean or Director

If the grievance is not resolved satisfactorily at Step 1 and the grievant wishes to pursue the matter, the grievant will file a written grievance with the Human Resources Department, addressed to the supervisor's Dean or Director. This written grievance must be received by the Human Resources Department within ten (10) working days of the date of the Step 1 decision. The written submission shall state the specific policy, regulation, or procedure alleged to have been misinterpreted, misapplied, or violated, the effect on the grievant and the relief requested.

The Human Resources Department will forward the Step 2 grievance to the appropriate dean or director.

The dean or director shall investigate the grievance as appropriate and respond to the grievant in writing, through the Human Resources Department, within fifteen (15) working days from the date the written grievance statement was received by the dean or director.

Step 3 – Written Grievance to the Vice President

If the grievance is not resolved satisfactorily at Step 2 and the grievant wishes to pursue the matter, the grievant will file a written grievance with the Human Resources Department, addressed to their Vice President (or equivalent-level official). The written grievance must be received by the Human Resources Department within ten (10) working days of the date of the Step 2 decision.

The written submission shall state the specific policy, regulation, or procedure alleged to have been misinterpreted, misapplied, or violated, the effect on the grievant, and the relief requested.

The Human Resources Department will forward the step 3 grievance to the appropriate vice president (or equivalent-level official).

The Vice President (or equivalent-level official) shall investigate the grievance as appropriate and respond to the grievant in writing, through the Human Resources Department, within fifteen (15) working days from the date the written grievance statement was filed with the Vice President.

Step 4 – Written Grievance to the Executive Vice President

If the grievance is not satisfactorily resolved at Step 3 and the grievant wishes to pursue the matter, the grievant will file a written grievance with the Human Resources Department, addressed to the Executive President for the organizational unit. The written grievance must be received by the Human Resources Department within ten (10) working days of the date of the Step 4 decision. The written submission shall state the specific policy, regulation, or procedure alleged to have been

misinterpreted, misapplied, or violated, the effect on the grievant and the relief requested.

The Human Resources Department will forward the step 4 grievance to the appropriate Executive Vice President.

The Executive Vice President will decide the grievance based on the facts in the case. The Executive Vice President may refer the grievance to another person (e.g., the Equal Opportunity and Diversity Officer or the Vice President of Human Resources) for further investigation and a recommendation.

The Executive Vice President will notify the grievant of the Executive Vice President's decision.

The Executive Vice President's decision is final and completes the grievance process.

OFFICE RESPONSIBLE FOR POLICY

Human Resources

Contact information for questions about this policy:

Michael Nee, nee@chapman.edu, (714) 997-6924

WEBSITE ADDRESS FOR THIS POLICY

https://www.chapman.edu/faculty-staff/human-resources/_files/policies/grievance-process-policy.pdf

APPROVAL AND PUBLICATION DATES

Effective: (Date of publication)

This policy was published in June 1998 as part of the Staff and Administrative Handbook, sections of which were amended in March 2017. In March 2021 the sections of the handbook were separated into policies, with no substantive change in content.

RELATED MATERIALS

N/A