

UA SYSTEM-CAMMACK CAMPUS EMPLOYMENT GRIEVANCE POLICY

PURPOSE

It is the policy of the University of Arkansas System Office-Cammack Campus (“Cammack Campus”) to provide its employees with a fair and efficient process to present and resolve complaints and grievances arising out of the employment relationship. The purpose of this policy is to provide a mechanism, available to all System employees, including those working at other campus locations, working for or at the Cammack Campus (excluding eVersity employees who are subject to eVersity policies), for seeking resolution to conflicts that might arise in the area of employee-management relations. The UA System encourages employees to address with their supervisors workplace concerns as they arise. It is always desirable that issues of conflict are resolved in an informal manner; however, that is not always possible in the normal course of activities in the workplace. This policy provides a neutral platform for seeking resolution.

Except for employees who are subject to an express written contract, all Cammack Campus employees serve at the discretion of the President and are not appointed to serve for specified periods of time. This policy does not change the at-will nature of any employee’s employment as set forth in Board Policy 405.4.

SCOPE

This policy applies to all employees working for or at the Cammack Campus who have successfully completed any required probationary period and are considered to be in a regular employment status (part-time or full-time). This process is applicable to employees only on an individual basis.

POLICY

When an incident forming the basis for a grievance arises, the grievant must follow the procedure outlined below. Each grievance shall be handled promptly and impartially, without fear of coercion, discrimination, or reprisal. Each participant in a grievance shall do his or her part to protect this right. Records shall be kept of each grievance process. These records shall be confidential to the extent allowed by law, and shall include, at a minimum: the written grievance complaint filed by the grievant, the written response filed by the respondent, the written recommendation of the Grievance Officer (“GO”), and decision of the President, should a grievance proceeding advance to that level. A file of these records shall be maintained separate from the personnel file.

SUBJECT MATTER

Employees may present a grievance concerning the interpretation, application, or claimed violation of a specific term or provision of University policy or other matters which materially affect the terms and conditions of employment. This grievance procedure will not apply and may not be utilized in regards to any issues arising either in whole or in part concerning the following:

- Issues related to wages, salary or benefits, performance evaluations, demotions or promotions that do not concern a claimed failure by the University to follow established policy.
- Retrenchment of employees pursuant to Board Policy 405.5;
- Disciplinary action or termination during any initial probationary period;
- Disciplinary actions that do not include discharge or suspension;
- Alternative work arrangements, scheduling, or job restructuring
- Job descriptions
- Any complaint that would be covered by the *UA System-Cammack Campus (Cammack Campus) Policy for Discrimination, Harassment, Retaliation and Sexual Misconduct Complaints*. All allegations of illegal discrimination, harassment, retaliation or sexual misconduct contained in any grievance will be addressed pursuant to that policy.

Complaints and grievances should identify the basis of the dispute, including specific facts, and provide relevant documents or any other information pertinent to the matter. Complaints and grievances should also include the employee's desired result.

GRIEVANCE PROCEDURE

An employee must present his or her grievance in writing to the GO within ten (10) business days from the date the incident giving rise to the grievance occurred. A grievance may be properly submitted by email, facsimile, hand delivered notification or postal delivery to the following:

**UA System Associate Director
for Employee Benefits and HR Support
2404 North University Avenue
Little Rock, Arkansas 72207-3608
Facsimile: (501) 686-2939
Email: CBrown@uasys.edu**

Grievances submitted to the GO shall contain the following information: name of the grievant; nature, date, and description of the alleged violation(s); name(s) of person(s) responsible for the alleged violation(s); requested relief for corrective action; and any background information and supporting documentation the grievant believes to be relevant.

The GO will meet with the grievant, respondent and other personnel separately to assess whether there is a need to obtain more information to understand the full extent of the grievance. Initially, the GO may attempt to resolve the complaint informally by facilitating discussion between the grievant and the respondent. If informal resolution is deemed either impractical or unsuccessful, the grievant may elect to proceed more formally. Under a formal resolution, the respondent shall be provided with a copy of the grievance and afforded ten (10) business days to submit a written response to the allegations, along with any supporting documentation the respondent believes to be relevant.

At any time, the GO may determine that formal mediation is an appropriate resolution tool and may recommend mediation between the employee and the respondent. Participation by the parties in mediation is voluntary.

The GO, within a reasonable period of time, not to exceed thirty (30) business days from the date the grievance is filed, shall close the resolution process and provide the grievant with a written determination. The written determination shall include a recitation of all relevant facts considered, the GO's determination, the reason(s) for such determination, and any remedies or sanctions that the GO recommends be imposed by the appropriate supervisor.

The GO will track and maintain records of all grievances filed at the UA System for the purpose of recommending systemic changes that may provide better communications and working relationships between employees and management.

APPEAL PROCEDURE

If the grievant is not satisfied with the GO's determination, the grievant may appeal the decision by submitting a written request for appeal to the UA System President within ten (10) business days of receipt of the GO's written determination. The appeal should include the initial grievance, the GO's determination and any additional documentation the grievant would like to be considered by the President. Acceptable means of notification include email, facsimile, hand delivered notification or postal delivery.

The grievant shall be afforded a hearing with the President to present his/her grievance. Notice of the appeal hearing date shall be provided to the grievant within ten (10) business days from the date the appeal is filed. The hearing shall be held within a reasonable period of time, not to exceed fifteen (15) business days from the date the appeal is filed. The hearing may be recorded at the request of either party.

Employees who utilize the grievance process are free to consult legal counsel at their own expense and on their own time. However, attorneys or other support persons are not permitted to attend or participate in the grievance and appeal process, except in cases of dismissal (termination for cause).

The President shall make a final determination to affirm, overturn or modify the GO's written determination and provide a copy of his/her written determination to the grievant within fifteen (15) business days of the appeal hearing. The final determination shall include a recitation of all relevant facts considered, the President's determination, the reason(s) for such determination and any remedy or sanctions imposed.

In circumstances where the President is the employee's direct supervisor or where he/she determines that it is inappropriate for him/her to rule upon the appeal presented, the President will appoint a Vice President or other designee, including one from another campus, who is not associated with the appealing employee, to review the recommendation and make a decision to affirm, overturn or modify the decision. The Vice President or designee's decision will be forwarded to the Board of Trustees for review and final decision.

RETENTION OF DOCUMENTS.

The grievance and all decisions or responses relating to it shall be separate from the employee's personnel file but subject to disclosure pursuant to applicable laws and University policies.

EXTENSION OF TIME LIMITS.

An extension of time limits provided in this policy may be requested by any party, and shall be granted upon a determination that good cause exists.

RETALIATION PROHIBITED.

Any employee who retaliates in any way against an employee who has brought a grievance pursuant to this policy or against an employee who has participated in a review of the complaint or grievance, shall be subject to disciplinary action.

EFFECTS ON PERSONNEL ACTIONS.

The filing of a complaint or grievance will not stop or delay any personnel action which is the subject matter of the complaint or grievance.

CONSTRUCTION

This policy shall be construed and applied in a flexible manner so that its fundamental goals can be accomplished. The President or Grievance Officer may dispense with any procedures set forth in this policy as circumstances may require, including for the avoidance of conflicts of interest.

Effective date: July 1, 2019