

**Institutional Handbook of Operating Procedures**  
**Policy 03.01.10**

Section: Human Resources Policies	Responsible Vice President: Vice President, Human Resources and CHRO
Subject: Discipline and Discharge	Responsible Entity: Human Resources

**I. Title**

*Employee Grievance Policy*

**II. Policy**

Any employee may file a grievance, as set forth in this policy, to present a complaint related to wages, hours of work, working conditions, merit raise, job assignments, performance evaluation, unlawful discrimination, reprimand, or the interpretation or application of a rule, regulation or policy.

A probationary, temporary or hourly employee, who alleges that his or her **termination** from employment was based on **unlawful discrimination or retaliation** and who is restricted from using the appeal procedures for employee dismissals, may report the complaint to the Department of Internal Investigations/Title IX Office for investigation as set forth in Section X of this policy.

**III. Exclusions**

- A. Faculty issues regarding actions or decisions by the administration that are reviewable under separate procedures provided for in the Institution’s Handbook of Operating Procedures, the Rules and Regulations of the University of Texas System Board of Regents, or other approved policies or procedures of the University or the University of Texas System, including faculty issues involving appointment, promotion, or tenure. (Faculty are referred to [IHOP 05.03.08](#))
- B. Under [UT System ODOP Policy 205, Grievance Procedure](#), Commissioned Police Officers have the right to grieve actions concerning wages, promotions, hours of work, working conditions, performance evaluations, merit increases, job or shift assignments, oral reprimands, disciplinary action resulting in a written reprimand or probation, or interpretation or application of official policy.
- C. Institutional programs authorized by the President that support institutional infrastructure and governance is not subject to this grievance policy However, complaints regarding the application of the program’s provisions should be addressed to the area designated to administer the program.

**IV. Grievance of a Reduction in Force**

- A. Classified employees may file a grievance if terminated due to a reduction in force. An employee filing a grievance regarding his or her reduction in force shall submit a written statement to Employee Relations in Human Resources **within ten (10) business days** following the date of the notification. The written complaint should be clearly identified as a grievance, contain a concise statement that explains the specific complaint, and contain the employee’s recommendation for attaining a sufficient remedy of the complaint. Once Employee Relations receives the grievance, the statement provided will be submitted to the Vice President of Human Resources and Direct Entity Services.
- B. The Vice President of Human Resources and Direct Entity Services will review the grievance

and provide a written decision to the employee within ten (10) business days of receipt of the grievance. A copy of the written decision will be sent to the employee, employee's supervisor and Employee Relations. This decision is final.

## V. General Information

- A. The Employee Relations staff may assist the employee by clarifying the issue(s) and providing information on dispute resolution procedures.
- B. No employee will be penalized, disciplined, or retaliated against for exercising the right to make a complaint or for aiding another employee in the presentation of that complaint.
- C. No remedy or corrective action is available under the grievance policy once an individual ceases to be a UTMB employee.
- D. Either the employee or management may request a face to face meeting at any level. Meetings are encouraged, but not required.
- E. If the supervisor is the subject of the complaint, the **employee** may address the complaint to the **appropriate department head or administrative equivalent**.

## VI. Time Limits

- A. The time limits set forth in the grievance procedure must be adhered to by both the employee and the appropriate supervisory and administrative personnel unless extended for good cause by Employee Relations. The time limits set forth in the grievance procedure must be made **within ten (10) business days** following the date of the action. Where time limits are indicated in this policy, "day one" will be the next business day. The failure of an employee to process the grievance in a timely manner shall constitute a withdrawal of the grievance. The failure of supervisory or administrative personnel to respond in a timely manner to a grievance shall constitute authorization for the employee to process the grievance to the next level.
- B. Employee Relations will review all written grievances and decide as to whether the complaint involves unlawful discrimination or harassment and should be resolved through another process or is a case that might be resolved through mediation.
- C. The employee will be expected to:
  1. provide a written statement describing the issue(s),
  2. identify any alleged violation of the application of a policy or procedure, and
  3. state the desired outcome requested of management.

## VII. Verbal Presentation

- A. Informal Grievance: Employees and supervisors are encouraged to address and resolve complaints through an informal grievance process. The **employee** shall verbally present the complaint to his or her supervisor for discussion, consideration, and resolution.
- B. The **immediate supervisor** (or the appropriate department head, if the supervisor is the subject of the complaint) shall discuss the issue with the employee, consider the merits of the complaint and respond to the employee within five (5) business days.
- C. If the complaint is not satisfactorily resolved by the immediate supervisor (or the appropriate department head, if the supervisor is the subject of the complaint), the employee should contact Employee Relations if the employee elects to file a written grievance **within ten (10) business days following the date of the action**.

## VIII. Grievance Procedure

A. Formal Grievance: If the employee elects to proceed with a written grievance, the written grievance must be submitted to Employee Relations, by the employee, **within ten (10) business days** following the date of the action. The written complaint should be clearly identified as a grievance, contain a concise statement that explains the specific complaint, and contain the employee's recommendation for attaining a sufficient remedy of the complaint. Once Employee Relations receives the grievance, the appropriate levels of management in the review process will be identified, and the statement provided will be submitted to the first level reviewer.

**B. Grievance First Level**

1. **The first level reviewer** will review the grievance and provide a written decision to the employee **within five (5) business days of receipt** of the grievance. A copy of the written decision is sent to the employee's supervisor and Employee Relations. The grievance documents are retained at the department head or administrative equivalent level, pending a possible response from the employee.
2. If the employee is not satisfied with the decision, a written response stating why the decision is unacceptable must be prepared by the employee **within five (5) business days of receipt of** the first level decision and submitted to Employee Relations requesting that the grievance documents be forwarded within two (2) business days to the second level.

**C. Grievance Second Level**

1. The second level reviewer of the department will review the grievance and provide a written decision to the employee **within ten (10) business days** of receipt of the grievance. A copy of the written decision along with the first level response is sent to the employee, employee's supervisor and Employee Relations. **This decision is final.**

\*Note: It is not required to have (2) two levels to the grievance process when the organizational reporting structure does not provide (2) two management levels to consider the grievance. If the employee filling a grievance reports directly to the Vice President or Dean of the department, the grievance will be submitted to the Executive Vice President, of their entity for review. This decision is final.

2. After the final level decision or if the employee drops the grievance at any level, the written grievance and all decisions or responses regarding the complaint shall be forwarded to Employee Relations.
3. The written complaint and all decisions or responses regarding such complaint shall be a part of employee's personnel file.

**IX. Extensions**

A maximum of one five (5) business day extension of time for a response may be given to either party who requests an extension. A request for an extension may be made by either the employee or the appropriate administrative official in person, by telephone, or in writing (including email) to Employee Relations. The Employee Relations staff shall make the decision regarding whether to grant an extension and notify both parties of the decision. Additional extensions may be provided on a case by case basis.

**X. Discrimination Issues**

A. When a complaint contains an allegation of unlawful discrimination, violations of UTMB's Sexual

Harassment/Sexual Misconduct policy, or retaliation, the employee shall report the concern to the Department of Internal Investigations.

- B. If a supervisor receives a complaint alleging unlawful discrimination, violations of UTMB’s Sexual Harassment/Sexual Misconduct policy, or retaliation, the supervisor shall report the complaint to the Department of Internal Investigations/Title IX Office.
- C. The Associate Vice President of Human Resources and Direct Entity Services is the designated coordinator for applicable Federal and State civil rights laws and regulations including, but not limited to, Title VII of the Civil Rights Act and the Americans with Disabilities Act (ADA).
- D. Complaints containing allegations of unlawful discrimination, violations of UTMB’s Sexual Harassment/Sexual Misconduct policy, or retaliation will be investigated by the Department of Internal Investigations/Title IX Office. Corrective action will be recommended with any findings of illegal action or violation of policy.

Complaints can be submitted to the following office:

**Department of Internal Investigations/Title IX Office**

Director and Institutional Title IX Coordinator

Rebecca Sealy, Suite 2.302

(409) 747-5742

Title.IX@utmb.edu

**XI. Relevant System Policies and Procedures**

[UT System ODOP Policy 205, Grievance Procedure](#)

[Regent’s Rules and Regulations 30602, Employee Grievance](#)

**XIII. Related UTMB Policies and Procedures**

[IHOP - 03.02.01 - Nondiscrimination, Equal Employment Opportunity, and Affirmative Action](#)

[IHOP - 03.02.04 - Sexual Misconduct](#)

[IHOP - 03.01.09 - Discipline, Dismissal, and Appeal for Classified Employees](#)

[IHOP - 05.03.08 - Faculty Grievance Policy](#)

**XIV. Dates Approved or Amended**

<i>Originated: 04/01/1990</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
09/07/2012	
03/17/2017	
11/12/2019	

**XV. Contact Information**

Employee Relations

(409) 772-8696