



MEMORANDUM OF ADMINISTRATIVE POLICY

SECTION: Human Resources
AREA: General

Number: MAP 02.A.05

SUBJECT: Employee Relations and Grievance Policy

I. PURPOSE AND SCOPE

The University of Houston-Clear Lake has a formal commitment to the establishment and maintenance of a constructive problem-solving mechanism for the resolution of employee grievances of an employment action. The purpose of this policy is to provide a means whereby any employee who feels that they have been subjected to unfair or abusive treatment or violation of a policy or procedure may be assured of a prompt, orderly, and fair response to their grievance. The grievance process is intended to address specific adverse employment actions and may not be used to challenge routine management decisions or general workplace dissatisfaction. Procedures for faculty grievances are covered in the current Faculty Handbook.

This policy applies to all grievances by any regular, non-faculty employees of the university. Faculty acting in a supervisory or administrative capacity are subject to this policy when acting in their supervisory or administrative roles and a grievance is brought against them by a non-faculty employee. This policy excludes faculty not acting in a supervisory or administrative capacity, part-time employees, or student workers whereby student status is a condition of employment. All employees, regardless of status, have access to the Office of Associate Vice President, Human Resources for assistance in addressing employment related issues.

Complaints involving allegations of discrimination or harassment are processed through [SAM 01.D.07, Anti-Discrimination and Harassment Policy](#) or [SAM 01.D.08, Sexual Misconduct Policy](#) through the Office of Title IX and Equal Employment.

II. DEFINITIONS

- A. **Grievant:** A non-probationary staff employee who files a grievance under this policy.

- B. Informal Grievance Resolution: The informal grievance resolution process has been established to provide an informal means to resolve a grievance. Staff employees shall complete informal grievance resolution processes prior to seeking recourse through the formal grievance process.
- C. Formal Grievance: A disagreement between an employee and management on the terms or conditions of employment. A formal grievance may be filed as a result of one of the following adverse employment actions: written reprimand placed in the employee's official personnel file, suspension without pay, demotion, involuntary transfer resulting in a reduction in pay, status, or job classification, denial of promotion when the employee meets the stated qualification and alleges policy violation, or termination. The following actions are not subject to the grievance process and remain within the discretion of University management (management rights): assignment or reassignment of duties within the scope of a position, work schedules or workload assignments, compensation decisions or pay adjustments, job classification or reclassification determinations, organizational restructuring or reporting relationships, performance evaluations unless accompanied by a grievable adverse employment action, non-selection for a position unless a policy violation is alleged, and other management decisions are reserved as management rights and cannot be grieved through the grievance process. Matters addressed through other University policies (including complaints involving allegations of discrimination, harassment or Title IX complaints are processed through [SAM 01.D.07, Anti-Discrimination and Harassment Policy](#) or [SAM 01.D.08, Sexual Misconduct Policy](#).
- D. Appeal: Appeal to the President following a decision by the Grievance Panel.
- E. Respondent: The university manager/supervisor or employee against whom the grievance is filed.
- F. Staff Employee: A non-probationary employee employed on a regular basis for a period of at least four and one-half months, excluding students employed in positions that require student status as a condition for employment and those holding a teaching and/or research position classified as faculty.
- G. Faculty serving in supervisory or administrative capacity: A faculty member serving in an administrative role such as but not limited to program directors, department chair, and assistant, associate dean or dean.
- H. Department: The administrative unit in which the staff members perform their primary duties of employment. The department can be defined as but not limited to division, college, department, section, unit, etc.

- I. Assoc Vice President: The Associate Vice President of Human Resources, or their designee.

III. POLICY INFORMATION

A. It is the policy of the University of Houston-Clear Lake that all employees be treated fairly and consistently in all matters related to their employment, that employment decisions are made on lawful, job related and non-discriminatory criteria, and that employees have the right to express grievances through informal and formal avenues.

- a. Any staff employee who has a disagreement with management on an adverse employment action is provided with a prompt, orderly, and fair response to their grievance under this policy.
- b. Intimidation, harassment, coercion, retaliation or reprisal in any form against an employee for filing a good-faith grievance, for participating in good faith on an appeal panel, or for assisting another employee in the filing of a grievance is strictly prohibited.
- c. Employees on probationary status are excluded from filing grievances under this policy. However, if a probationary employee believes that discrimination or harassment was a factor in a personnel action, they may proceed through [SAM 01.D.07, Anti-Discrimination and Harassment Policy](#) or [SAM 01.D.08, Sexual Misconduct Policy](#)

B. Staff Grievance Committee

- a. The Staff Grievance Committee shall consist of 8 (eight) full-time benefits-eligible staff members who serve as a standing pool of potential panel members for staff grievance hearings. Committee members shall be nominated through a process coordinated by the University Staff Association, who will provide 8 names to the Assoc Vice President each August following an election conducted by the University Staff Association.
- b. Members of the Staff Grievance Committee must have completed at least two (2) years of full-time employment at UHCL at the time of their nomination to the committee.
- c. Members of the Staff Grievance Committee serve staggered three-year terms to ensure continuity and experience in the grievance process, with no more than half of the positions rotating off the Committee annually in September. If a vacancy occurs, the

University Staff Association may provide the AVPHR (Associate Vice President of Human Resources) the name of a runner-up in the election to complete the remainder of the year.

- d. Members of the President's Executive Leadership Team, Provost's Council, staff employed within Human Resources, and individuals directly involved in grievance administration are not eligible to serve on the Staff Grievance Committee.
- e. The Staff Grievance Committee does not act as a standing decision-making body. Members serve only as a pool from which ad hoc hearing panels may be selected for individual grievance cases.

C. Ad Hoc Staff Hearing Panel

- a. For each formal grievance proceeding, within ten (10) business days of receipt of the grievance, the Associate Vice President of Human Resources (AVPHR) will appoint the five (5) members to the Ad Hoc Staff Grievance Panel from the Staff Grievance Committee to hear the grievance. An alternate member will be selected to replace a regular member of the hearing panel if a regular member is unable to serve or when a potential conflict of interest exists.
- b. In cases where the respondent has a faculty appointment, the AVPHR will include a member of the faculty grievance committee as one of the five (5) panel members. In this case, the faculty member must be part of the three (3) members who establish quorum.
- c. The following requirements will be considered in forming the committee:
 - i. No member of the hearing panel may have direct involvement in the events, giving rise to the grievance.
 - ii. Panel members may not be from the same department as either the grievant or respondent.
 - iii. The hearing panel must represent a broad cross section of university staff.
 - iv. No more than one member of any department may serve on the hearing panel.
- d. The Associate Vice President of Human Resources or designee shall designate one member of the panel to serve as Chair.

- e. Either the grievant or respondent may request the removal of one member of the hearing panel for potential conflict of interest within five (5) business days of panel notification. The Associate Vice President of Human Resources will have discretion to determine whether replacement is appropriate.
- f. The Staff Hearing Panel serves in an advisory capacity only and shall provide a written recommendation regarding the grievance to the Associate Vice President of Human Resources.

IV. PROCEDURES

- A. The grievance process consists of three levels: an informal resolution, formal grievance hearing and appeal to the President or Designee. The purpose of the process is to provide a fair and timely review of concerns involving adverse employment actions. A grievance may be filed only in response to adverse employment actions as defined in Section 2.3 of this policy. Matters involving general workplace concerns, performance feedback or management decisions that do not constitute an adverse employment action are not subject to the grievance process.
 - a. A grievance must be filed within the timeframes established in this policy. The filing deadline begins on the date the employee knew or reasonably should have known of the adverse employment action giving rise to the grievance. Failure to submit grievance within the prescribed timeframe may result in dismissal of the grievance as untimely. The Associate Vice President of Human Resources will determine whether a grievance has been filed within the required timeframe.
- B. Direct Filing of Termination Cases. Staff employees who wish to appeal their termination of employment may file a formal Grievance directly and is not required to complete the informal resolution process.
- C. For all other grievances, other staff employees must first initiate an informal resolution before filing a formal grievance.
- D. Informal Resolution**
 - a. A staff employee may initiate the informal grievance process by submitting a written request to the Associate Vice President of Human Resources within ten (10) business days of the event, decision, or action giving rise to the concern.

- b. The Assoc Vice President has no more than five (5) business days from the date of receipt to forward the written request to the respondent and the appropriate supervisor.
- c. The respondent will have ten (10) business days to respond to the issues raised in the grievance and to either agree to the proposed resolution, reject the proposed resolution, or propose alternate resolutions.
- d. Human Resources may facilitate mediation, facilitated discussion, or other informal resolution methods to assist the parties toward reaching an informal resolution. Human Resources will provide a closure memorandum to the parties within 10 business days of the informal resolution methods.
- e. The informal resolution process concludes if an agreement has been reached within ten (10) business days of the response in 4.3.3, or if the grievant is dissatisfied with the proposed resolution in 4.3.3 or closure memorandum issued in 4.3.4. The deadline for filing a formal grievance if the grievant wants to continue the grievance process is 10 days after the closure memorandum is issued in 4.3.4.
- f. By mutual agreement of the grievant, respondent and Assoc Vice President, the deadline for informal resolution in 4.3.4 may be extended up to (10) additional business days.

E. Formal Grievance

- a. If the grievant is dissatisfied with the outcomes stated in the closure memorandum from the informal resolution process, the grievant may seek resolution of the grievance through the formal grievance process.
- b. A formal grievance may not be initiated until the informal resolution process has been completed unless termination is grieved.
- c. The grievant will complete the [Staff Grievance Intake and Resolution Form](#) stating the details of the grievance, the names of any witnesses who the grievant believes may have knowledge of the nature of the grievance, any supporting documentation, and the relief sought.
- d. The [Staff Grievance Intake and Resolution Form](#) must be submitted by the grievant to the Assoc Vice President, Human Resources within ten (10) business days of the response in 4.3.4 above or notice of termination. The Assoc Vice President shall review the grievance submission for timeliness and eligibility under this policy.

- e. Failure to submit the [Staff Grievance Intake and Resolution Form](#) to the Assoc Vice President within ten (10) business days from receipt of the informal resolution decision or termination notice will be deemed a waiver of the right to pursue a formal grievance.
- f. Upon acceptance of the formal grievance, Human Resources shall appoint the ad hoc staff hearing panel, schedule the hearing, and notify both parties of the hearing date. The hearing, absent extenuating circumstances, shall be scheduled within thirty-five (35) business days following acceptance of the formal grievance.
- g. Written notice of the hearing date, time, and location shall be provided to the parties no later than fifteen (15) business days prior to the hearing.
- h. No later than ten (10) business days before the hearing, both parties must submit:
 - i. All documents to be considered by the hearing panel
 - ii. A list of witnesses, not to exceed four (a witness list including five or more names must receive prior approval from the Assoc Vice President, Human Resources) expected to testify at the hearing
 - 1. Notification if the grievant will be represented by legal counsel (including the name, address and telephone number of counsel) If the grievant elects to have legal counsel present, an attorney from the University Office of General Counsel may also attend the hearing on behalf of the University. Legal counsel present at the hearing may observe the proceedings and provide advice to their respective parties by passing notes but may not directly participate in the hearing by questioning witnesses, presenting arguments, or otherwise advocating before the panel.
 - 2. The hearing process is intended to be administrative and non-adversarial. Accordingly, witness questioning will be conducted by the hearing panel. The grievant and respondent may submit questions for witnesses through the hearing panel chair, who will determine whether the questions are appropriate and relevant, or if the question should be rephrased. At the discretion of the chair, a party may be permitted to ask questions directly.

The grievant is responsible for ensuring that any legal counsel representing them understands and adheres to the hearing procedures established by the university.

- i. Human Resources shall distribute submitted materials to both parties and the hearing panel no later than seven (7) business days prior to the hearing.
- j. No later than two (2) business days prior to the hearing, the Assoc Vice President will convene a pre-hearing review meeting with the hearing panel to review copies of the submitted materials, notify the Panel of the appointed chair, and discuss the Staff Grievance Hearing Panel procedures.
- k. The Associate Vice President of Human Resources (AVPHR) will attend the hearing for purposes of providing guidance on hearing procedures but will not participate as an advocate or decision maker.
- l. All grievance hearings are audio recorded to ensure an accurate record of proceedings. Upon request of either party to the Assoc Vice President, duplicate audio recordings of the proceedings will be made available to the requesting party. The University is not responsible for producing written transcripts of recordings.
- m. When all the evidence is presented and the hearing panel members have no further questions of either party or any of the witnesses, the hearing panel chair will adjourn the hearing, ensuring that the tape recording has ceased. After meeting with the AVPHR who will address policy/procedural questions, the hearing panel members will proceed to closed session deliberations.
- n. No later than five (5) business days following the conclusion of the hearing, the majority of the panel will make a recommended finding on the [Staff Grievance Intake and Resolution Form](#) summarizing findings and recommending whether the grievance should be upheld or denied. If the panel is divided, this will be noted on the Form. The chair will communicate the panel's recommended findings on [the Staff Grievance Intake and Resolution Form](#) and forward it to the Assoc Vice President for final review.
- o. The AVPHR will deliver the Staff Grievance Intake and Resolution Form with the recommended finding to the parties and to the President.
- p. An informal resolution can be achieved and the formal grievance dismissed at any time during the formal grievance process with the agreement of the grievant, respondent and the AVPHR.

F. Appeal

- a. Either party, the grievant or the respondent, may file a written appeal to the President within ten (10) business days following receipt of the hearing panel's recommendation.
- b. No later than ten (10) business days after receipt of the staff hearing panel's recommended finding, the President will take one of the following actions and communicate their decision in writing to the grievant, the respondent, both parties' attorneys (as appropriate), and the Assoc Vice President:
 - i. Accept the panel's recommendation; or
 - ii. Reject the panel's recommendation; or
 - iii. Remand the matter to the panel with instructions to reopen the hearing, conduct further deliberations, or answer specific questions posed by the President.
 - iv. The President's decision is final and binding to all parties and will be issued in writing to the parties.

V. REVIEW AND RESPONSIBILITY

Responsible Party: HR responsible for implementing and monitoring policy

Review: Review schedule: Every 3 years

VI. APPROVAL

Vice President for Administration and Finance

President

Date of President’s Approval: _____

VII. REFERENCES

- [SAM 01.D.07, Anti-Discrimination and Harassment Policy](#)
- [SAM 01.D.08, Sexual Misconduct Policy](#)
- [Staff Grievance Intake and Resolution Form](#)

VIII. REVISION LOG

Revision Number	Approved Date	Description of Changes
1	05/09/2019	Initial edition.
2	02/24/2023	Reviewed and updated.
3	03/02/2026	Reviewed and updated.