

NCTA FACUTLY/STAFF GRIEVANCE POLICY

1. Introduction

The Nebraska College of Technical Agriculture (NCTA) encourages any employee who feels he or she is not receiving fair treatment at NCTA to use the grievance procedures set forth in this policy. Employees who believe they may have a grievance are encouraged to contact the Human Resources Department at NCTA (Jan Gilbert, 308-367-5252) or the Assistant Dean of Finance, Operations and Student Services (Jennifer McConville, 308-367-5259) for assistance with interpretation or implementation of this policy. This policy supersedes any previous college or departmental grievance policies.

Grievances related to alleged discrimination based on race, age, color, religion, sex, disability, national origin, marital status, veteran status, sexual orientation, or retaliation due to an individual's initiation of or participation in an investigation regarding such discrimination allegations are covered under a separate policy. Please see the NCTA Dean for these grievances.

In matters of policy regarding academic freedom and faculty status, after exhausting normal administrative channels, the Faculty Senate may, by majority vote, appeal directly to the Vice President of the Institute of Agriculture and Natural Resources (IANR).

For issues in the area of disability and/or accommodation, grievances are to be filed with the University's ADA/504 compliance officer at 402-472-8404.

In order that grievances are handled on a consistent basis throughout NCTA, these procedures are adopted for implementation by the administrative units that compose NCTA.

2. Eligibility

Regular managerial-professional and office-service staff who have successfully completed their six (6) month post-hire probationary period, and such academic-administrative staff and other full-time academic employees for whom access to established academic grievance procedures is not available (any of whom are referred to herein as a "Staff Member"), are eligible to access the process described in this policy.

3. Grievance Procedure

For purposes of this policy, a grievance must be based upon a difference arising between the Staff Member and NCTA as to the interpretation or application of written policy, rules or procedures relating to terms and conditions of the Staff Member's employment, except that the determination of position classification, salary or wage levels, performance evaluation, reduction-in-forced decisions, and terminations of an "employment-at-will" (as that term is defined under Nebraska law) are not subjects covered or deemed grievable under this policy; provided however, that any termination of the "employment-at-will" of a Staff Member must first be reviewed and approved by Human Resource Manager. Terminations which are deemed to be "terminations-for-cause" are grievable under this policy.

Grievances are limited to matters of interpretation and application of University employment policies, rules and procedures; the establishment or substantive content of such a policy, rule or procedure is not grievable. College or Division policies and rules may be grieved if the Staff

Member can show that the College or Division policy or rule is contrary to a University policy, rule or procedure. In such cases, University policies, rules and procedures shall take precedence.

The Human Resource Manager and the Assistant Dean for Finance, Operations and Student Services has the responsibility of interpreting this policy and will determine whether or not a matter is grievable. If a matter is found to be non-grievable, such Director will work with the appropriate parties to try to resolve the concern.

The grievance process described in this policy is an internal, informal process, intended to facilitate open communication and exchange of relevant information and to allow for a meaningful, honest review of the grievance. In order to promote the informal and open exchange of information, attorneys (whether or not they are acting in the capacity of the Staff Member's lawyer) shall not be permitted to participate in meetings or physically accompany either NCTA representatives or the grieving Staff Member throughout this process. Other venues are better suited to accommodate the formalities interjected by legal counsel. A non-lawyer advisor may accompany a grieving Staff Member throughout the process to provide advice and support. The non-lawyer advisor may not actively participate in the process; e.g. presenting evidence and directing questions to or otherwise communicating with supervisors, panel members or University representatives are not permitted activities. No activity or documentation arising as a result of this policy is deemed to be subject to Public Records laws or Open Meetings laws, unless University legal counsel advises otherwise. The Staff Member alleging a violation of policy is encouraged to informally discuss the matter with his/her immediate supervisor in an attempt to reach a resolution prior to initiating a formal grievance. No audio or video recordings shall be made in relation to the processes described in this policy.

Step 1: Appeal to the Immediate Supervisor

If the discussion surrounding the alleged incident or occurrence does not resolve the matter to the satisfaction of the Staff Member, the Staff Member may file a formal grievance with his/her immediate supervisor and the Human Resource Manager within twenty (20) workdays following the discussion.

If the grievance is based in any part upon the immediate supervisor's acts, the Staff Member may present the written grievance solely to the Human Resource Manager who will determine whether the immediate supervisor or another individual associated with the Staff Member's work area is more appropriate to respond to the grievance.

The written grievance shall specify:

- the exact nature of the alleged grievance;
- details regarding the policy, rule, or procedure allegedly violated;
- the specific remedy requested;
- a specific statement that the Staff Member wishes to initiate a grievance pursuant to the procedures contained in this policy.

While supporting information or clarification may be requested or presented in subsequent steps of the grievance process, the Staff Member is responsible for identifying all issues and allegations relevant to the grievance in this writing. No additional matters may be raised once the written grievance is filed with the Human Resource Manager. Additional allegations or requested remedies may be addressed

only through a separate grievance process. At the discretion of the Human Resource Manager, multiple grievances filed by one or more Staff Members may be combined into a single grievance, if such an action promotes a more meaningful review of the matter.

Within ten (10) workdays of receiving the written grievance, the immediate supervisor (or other individual designated by the Human Resource Manager) will draft and deliver to the grieving Staff Member a written response to the written grievance. The person writing the response may confer with a Human Resources representative, his/her supervisors or other parties relevant to the grievance, as needed.

Step 2: Appeal to the Next Level Supervisor

Should the Staff Member remain dissatisfied, he/she may, within five (5) workdays of receiving the Step 1 written response, submit a written request to the Human Resource Manager to appeal to the “next-level supervisor”. The request to appeal shall include a clear explanation of why the Staff Member disagrees with the Step 1 response. The Human Resource Manager shall deliver to the next-level supervisor the Step 1 written grievance and response, along with the Step 2 written request to appeal. The next-level supervisor shall review those documents and may gather such other information from such sources as he/she deems necessary and relevant to the appeal. After considering all of the relevant information, the next-level supervisor shall render a written decision. This decision must be submitted to the Human Resource Manager with fifteen (15) workdays following receipt of the Staff Member’s request to appeal. The Human Resource Manager shall promptly deliver the decision to the Staff Member.

Step 3: Appeal to the Dean through a Grievance Panel

Should the Staff Member remain dissatisfied, he/she may, within five (5) workdays of receiving the Step 2 decision from the next-level supervisor, submit a written request to the Human Resource Manager to appeal through a Grievance Panel to the Dean. The request to appeal shall include a clear explanation of why the Staff Member disagrees with the Step 2 decision.

A Grievance Panel will be appointed by the Dean (who shall seek nominations from the Faculty Senate and Staff Council on the membership), and shall be composed of three (3) full-time employees, at least one of which shall be of the same employment category (Academic-Administrative, Office-Service or Managerial-Professional) as the grieving Staff Member. The Faculty Senate may, at its prerogative, choose to elect three members of the faculty to serve on a grievance committee to address a grievance issued against or by a faculty member. No one with a personal or professional interest in the outcome of the grievance is qualified to serve on the Panel. The Panel members shall select a chair from among themselves. The grieving Staff Member and his/her supervisor(s) shall be promptly notified of the composition of the Panel.

Within five (5) workdays of receiving notice of the appointments to the Panel, the grieving Staff Member or his/her supervisor(s) may notify the Human Resource Manager in writing of any reason why any member of the Panel is not qualified to serve. The Human Resource Manager shall consult with the Dean, as applicable, regarding the Panel composition. In the Dean’s discretion, another appointee may be

substituted, if it is determined the grievance process would be better served by another person.

The Panel will meet with the Staff Member, the immediate supervisor and any other person deemed by the Panel to have relevant information about the subject of the grievance. The Panel may gather such information from such sources as are available and meaningful to the appeal. The activities and deliberations of the Panel are not open to the public. The panel's work will be confidential, except to the extent the Panel's work must be revealed to those with a legitimate need to know (e.g. Staff Member's supervisors, persons with information relevant to the grievance, Human Resources staff).

The Panel will be guided by University policy in reaching its decision. Irrelevant or exceedingly redundant information may be excluded from its consideration. The Panel shall not supplement, subtract or otherwise alter the content of the allegations contained in the grievance; nor is it authorized to impose or recant sanctions. The Panel acts only in an advisory capacity to the Dean.

The chairperson of the Panel will, within twenty (20) workdays after the Human Resource Manager receives the Staff Member's written request to appeal under this Step 3, submit the written recommendations of the Panel to the Dean, who oversees the administrative unit.

Within twenty (20) workdays after receiving the Panel's recommendations, the Dean or a designee on his/her behalf will notify the grieving Staff Member, in writing of the final disposition of the grievance. Such decision will be final and binding on all parties. There will be no further appeal within NCTA.

When the Dean of NCTA is the subject of a grievance, the factual findings, conclusions, and recommendations shall be submitted to the University of Nebraska Vice President for Agriculture and Natural Resources for resolution.

4. Timelines

The amount of time for filing and decision making under this policy is intended to provide for a prompt, yet thorough, review and resolution of grievances. Parties must adhere to this timeline in order to ensure the benefits of participating in this process. However, should the Human Resource Manager determine that special circumstances or the nature of the grievance are such that additional time will allow for a more meaningful, well-supported resolution of the matter, then the Director may grant an extension of a specific amount of time in a writing, delivered to all parties with a need to know.

If the grieving Staff Member does not submit a written request to move the grievance forward within the specified time period and is not granted an extension prior to the passing of that deadline, it will be assumed the Staff Member is satisfied and the grievance will be discontinued.

If the immediate supervisor, the next-level supervisor or the Panel fails to deliver a written response or decision within the specified time period and is not granted an extension of time prior to the passing of that deadline, the grievance will automatically advance to the next level of review.

The Human Resource Manager shall record and maintain the timeline associated with each grievance.

5. Withdrawing a Grievance

A Staff Member may terminate his/her grievance under this policy at any time by delivering to the Human Resource Manager a written notification requesting such withdrawal.

6. Retaliation; Pending Employment Actions

Retaliation of any type shall not befall any person for participating in the grievance procedure set forth herein. University employees engaged in such retaliation will be subject to disciplinary action, including the potential for dismissal. A grievance based upon retaliation may be treated as separate offense and is grievable under this policy. While such retaliation is prohibited, the mere filing of a grievance will not forestall any employment action, unless the Human Resource Manager determines otherwise.

7. Pay Status When Participating in the Grievance Procedure

For an employee in-pay status, whose participation is required at a meeting, interview, or other activity as part of a grievance under this policy, time devoted to such participation will be considered as regular hours worked.

NCTA follows the grievance policy of the Board of Regents of the University of Nebraska. This can be found online at <http://www.nebraska.edu/docs/board/RegentPolicies.pdf> (see sections 2.12.1; 3.3.4; 4.13).

Reference: BRUN, Minutes, 41, p. 165 (February 18, 1978).
BRUN, Minutes, 56, p. 149 (September 6, 1991).
BRUN, Minutes, 66, p. 11 (March 3, 2006).