



Office of the Commissioner of Higher Education  
Personnel Policies

SUBJECT: GRIEVANCE PROCEDURE

Policy Number: 201.0

***Adopted: December 10, 2001; Updated: March 2016***

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## I. Definition

A grievance is defined as any complaint or dispute of an employee regarding terms and conditions of employment.

## II. Coverage

The procedures outlined herein shall be utilized by employees for all grievances except for complaints involving sexual harassment and complaints under the Americans with Disabilities Act (ADA). The procedures described in OCHE policy 404.0 shall be utilized for sexual harassment complaints and the procedures described in OCHE policy 202.0 shall be utilized for ADA complaints.

## III. Procedures

### A. Rules for Processing Grievances

1. The time frames established herein may be extended upon written mutual agreement of the parties. The term "day" as used in this policy refers to week days, Monday through Friday, which are not observed state holidays.
2. The grievant carries the burden of moving the grievance forward within the time period specified for that step. Failure of the grievant to advance the grievance to the next step of the procedure within the allotted time frame shall result in dismissal of the grievance.
3. Employees are free to discuss grievances or concerns with their supervisors or to file a formal grievance and shall not be retaliated against because of such action.
4. In the event an employee chooses to pursue an allegation of unlawful discrimination through an alternative procedure prior to exhaustion of the procedures established herein, the employer shall have no obligation to continue to pursue the same or a similar complaint through these internal procedures.

### B. Steps for Processing Grievances

#### Step 1:

Within twenty (20) days following the incident which gave rise to the grievance, the employee must attempt an informal resolution of the grievance through consultation with the employee's immediate supervisor.

#### Step 2:

If a satisfactory informal resolution cannot be reached, the employee may file a written grievance with the grievance officer within ten (10) days following presentation of the grievance to the immediate supervisor. The written grievance must specify the action complained of, all known facts which are relevant to the grievance, the names of any persons or witnesses who have knowledge of related facts, the remedy requested by the grievant, and the steps taken to resolve the grievance informally. Copies of documents and descriptions of other evidence which support the grievant's position must be attached to the written grievance.

The grievance officer is the Deputy Commissioner for Communications and Human Resources or designee. If the grievance is filed against the Deputy Commissioner for



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Communications and Human Resources, the Commissioner shall appoint another person to serve as grievance officer.

The grievance officer shall have twenty (20) days after the filing of the grievance to make a recommendation to the Commissioner on disposition of the grievance. The grievance officer is authorized to conduct whatever investigation is necessary to make a recommendation. The grievance officer shall notify any person of a grievance made against him or her and will provide an opportunity to defend or explain. The grievance officer may attempt to mediate a resolution of the grievance.

***Step 3:***

Within twenty (20) days from receipt of the grievance officer's recommendation, the Commissioner may respond to the grievance in writing or, in the alternative, the Commissioner shall notify the grievant of his/her intent to convene a three person committee to hear the grievance and make a recommendation on the resolution of the grievance.

If the grievance is to be heard by a committee, the committee will be selected as follows:

- 1) one employee appointed by the grievant;
- 2) one employee appointed by the Commissioner;
- 3) one member who may or may not be an employee, jointly selected by the grievant's appointee and the Commissioner's appointee.

The joint appointee shall be the chairperson.

In hearing grievances the committee serves in a fact-finding role. Testimony may be requested from persons with knowledge of facts relevant to the grievance. The role of the committee is to determine whether there was compliance with all relevant laws, rules, regulations, and policies.

The committee shall forward a written recommendation to the Commissioner within twenty (20) days from the conclusion of their investigation. The Committee shall advise the Commissioner on whether or not the grievance is meritorious and shall recommend appropriate remedial action, if any.

The Commissioner shall within twenty (20) days from receipt of the committee's recommendation submit a written decision on the validity of the grievance and its resolution to the employee.

***Step 4:***

If the employee is not satisfied with the Commissioner's decision, the employee may appeal the matter to the Board of Regents, within thirty (30) calendar days of receipt of the Commissioner's decision in accordance with Regent Policy 203.5.2. Upon timely receipt of an appeal to the Board of Regents, the Commissioner shall place the matter on the Board agenda, though the Board may choose not to entertain the appeal. If the Board accepts the appeal, it will specify the scope of review and may request a full or



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partial hearing. The decision of the Board affirming, reversing, modifying, or refusing to hear the appeal is the final administrative determination.

**References:**

OCHE Policy 404.0

OCHE Policy 202.0

Regent Policy 203.5.2