

Part 4. Personnel Policies

Section V. Internal Grievance Procedures

B. Grievance Procedures for Nonclassified Employees (Updated **5/026/11/08**)

1. Introduction

It is the policy of Idaho State University to consider the grievances of employees promptly and impartially. A grievance is defined as a work related problem or condition that the employee believes to be unfair, inequitable, and in which the employee feels his/her rights under announced rules or past practices have not been respected excluding dismissals. Nonrenewal of the employment contract, the placement of an employee on leave with pay, or reassignment of duties with no reduction in pay are not grievable matters.

Alleged infringements of civil or human rights should be grieved under the procedure established under the EEO/Affirmative Action Grievance Procedures.

Grievances on reduction in force due to declared financial exigency should be handled through the State Board of Education procedures.

Any attempt to bring retaliation, retribution or pressure upon any participant before, during, or after the grievance is expressly forbidden.

2. Procedures

a. Preliminary Procedures and Filing of Form.

(1) Within five (5) working days from the date of the act which is the basis of the grievance, the employee should confer with his or her immediate supervisor in an effort to resolve the grievance. If the problem is not resolved or if it is not feasible to approach the immediate supervisor, the employee should discuss it with the next higher supervisor, normally the departmental administrator or dean, within an additional five (5) working days. If a resolution of the grievance is reached that is acceptable to all concerned, the grievance is considered settled and no further action is taken. If resolution cannot be reached using this approach, the employee may then submit a “Nonclassified Employee Grievance Report” form to the director of Human Resources. This form must be filed within fifteen (15) working days from the date of the act which is the basis of **theis** grievance.

(2) The employee may obtain the form from the ISU Office of Human Resources. The director of Human Resources distributes copies to the grievant, the administrator or dean and the Council of Professional Employees Grievance Committee (COPEGC).

(3) Within ten (10) working days of receipt of the formal grievance, the COPEGC shall meet to review the case to determine if the matter is grievable under grievance is valid subject to this procedure and issue a written notice of whether or not the hearing will take place, and if so, setting forth the time and place for the hearing.

(4) Provided, in the event the grievant is an employee who directly reports to the University President, and if an informal resolution is not reached and a formal "Nonclassified Employee Grievance Report" is submitted, the authority to review the recommendations from the COPEGC and make the final institutional decision, as set forth in sub-part c. hereof, shall reside with the Vice President for Finance and Administration or his/her designee, which designee may be an independent third party.

b. Hearing and Findings.

The hearing shall be conducted subject to procedures and rules outlined by the chair of the COPEGC. The hearing is not intended to be overly formal or in the nature of a court trial proceeding.

(1) The ~~President~~ Vice President for Finance and Administration of the University shall appoint professional employees from a list of fifteen (15) nominees, submitted by the Council for Professional Employees (COPE), to the COPEGC for three (3) year terms. Initially, two (2) of the members will be appointed for a two (2) year term and three (3) members will be appointed for a three (3) year term. After this initial period, all will serve three (3) year terms.

(2) The COPEGC consists of five (5) professional employees which constitutes a quorum for any hearing conducted. Five (5) alternate professional employees are also named and will serve for a three (3) year term. The director of Human Resources may not be a member of the committee. The COPEGC elects its own chairperson.

(3) In June of each year, the COPEGC reports to the University ~~President~~ Vice President for Finance and Administration on its activities during the preceding year, including recommendations for improvements in procedures. Names will be submitted by the COPE President to fill vacancies.

(4) Any member of the COPEGC who has received notice of nonreappointment, layoff, or termination, or who has an appeal, lawsuit, or grievance pending against ISU, is disqualified from participation in grievance hearings. Each side in a

grievance hearing is allowed one peremptory challenge of members sitting on the COPEGC. A disqualified or challenged committee member is replaced by one from the alternate list.

(5) Unless extended in accordance with sub-part b.(12) herein, ~~T~~the hearing shall be conducted within five (5) working days after the issuance of the hearing notice.

(6) Each party to a grievance is permitted a peer advisor (non-attorney) and witnesses and is responsible for any compensation or related expenses to them.

(7) Each party to a grievance has the responsibility and right to present its case in writing or in person. Should both parties submit the grievance in writing, no hearing will be necessary. [See (10) for time limitations.] If the hearing is conducted, each party has the right to question witnesses and to be present for the full hearing.

(8) Hearings will be electronically recorded. The cost for any transcriptions or tape copies will be borne by the requesting party. Tapes will be retained for one (1) year in the Office of Human Resources.

(9) Private deliberations of the COPEGC are not recorded.

(10) Within five (5) working days of the hearing, the COPEGC will meet in closed session to discuss the findings and recommended action. These shall be established by a majority vote. No member shall be allowed to abstain. If the COPEGC requires more than ten (10) days for deliberation, a written explanation for the extension of time shall be sent to the University Vice President for Finance and Administration and to the parties.

(11) The COPEGC will advise in writing all parties of the recommended action. A copy of the recommendations will be given to the grievant, to the director of Human Resources, and to the administrator against whom the grievance was directed. The recommendations also will be forwarded to the University President Vice President for Finance and Administration; or his/her appointeedesignee, through the chairperson of the COPEGC, within five (5) working days of the decision.

(12) As a rule, time limits between steps shall be followed; however, they may be extended by mutual agreement of both parties or by a ruling of the COPEGC. An extension form is available at the Office of Human Resources. COPEGC will also consider extensions in the event the supervisor, the grievant, or a necessary witness for the hearing is ill or has previously scheduled out-of-town business, or a quorum of the COPEGC is unavailable due to University closure, such as for Thanksgiving or Christmas break or inclement weather. Alternatively, COPEGC may approve the submission of a written statement by the unavailable party or witness.

c. Final Decision

Within five (5) working days after receiving the recommendations from the COPEGC, the University ~~President~~ [Vice President for Finance and Administration](#), or his/her [appointed designee](#), will review the recommendations and take whatever action he/she deems appropriate and notify both parties.

3. Appeal to the Board

A nonclassified employee may elect to petition the Board to review any final personnel related decision of the ~~President~~ [Vice President for Finance and Administration](#). Any written petition must be filed in the Office of the State Board of Education within fifteen (15) calendar days after the employee receives written notice of final action under the internal procedures of the University. The Board may agree to review the final action, setting out whatever procedure and conditions for review it deems appropriate, or it may choose not to review the final action. The fact that a written petition has been filed does not stay the effectiveness of the final decision nor does it grant a petition for review unless specifically provided by the Board. Board review is not a matter of right. An employee need not petition the Board for review in order to have exhausted administrative remedies for the purposes of judicial review.

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