

Academic Staff Policies and Procedures

UWPA 10

COMPLAINTS AND GRIEVANCES

10.01 DEFINITIONS.

1. A "complaint" is a written allegation by persons other than the academic staff member's supervisor(s), including administrators, students, other academic staff, faculty, classified staff, or members of the public concerning conduct by an academic staff member which violates university rules or policies, or which adversely affects the staff member's performance or obligation to the university but which allegations are not serious enough to warrant dismissal proceedings under UWPA 8.

2. A "grievance" is a written complaint by an academic staff member involving an alleged violation of conditions of employment not covered by this document. Only one subject matter shall be covered in any one grievance. A grievance shall contain a clear and concise statement of the grievance by indicating the issue involved, the relief sought, and the date the incident or violation took place.

10.02 HEARING BODY, COMPLAINTS. The Academic Staff Committee shall have the power and authority to conduct a hearing on a complaint as defined in UWPA 10.01 (1) which is not dismissed by the chancellor or his/her authorized (see 10.04 A, B & C) representative and shall make recommendations to the chancellor based on the hearing record and its findings.

10.03 HEARING BODY, GRIEVANCES. The Academic Staff Committee shall act as the Grievance Committee. This committee shall serve as a hearing and recommending body in the formal grievance procedure for individual employee grievances. The committee's findings and disposition on individual employee grievances shall be submitted for action to the chancellor with copies to the appropriate hiring authority, the immediate supervisor of the employee filing the grievance, and the aggrieved party. The committee also has the authority to recommend solutions for employee relations problems directly to the chancellor.

10.04 COMPLAINT PROCEDURES.

1. Whenever the chancellor receives a complaint against an academic staff member, his/her authorized representative shall, within 14 working days, complete a thorough investigation of the complaint, including but not limited to: a) a discussion with the complainant, b) a discussion with the staff member concerned, c) an offer to bring the two parties together to resolve the issue informally.

If the complaint is not resolved after the above steps have been taken, the chancellor or his/her authorized representative shall inform both parties in writing

of the formal procedures that will be undertaken to resolve the complaint. One of the following procedures shall be followed:

- A. If the chancellor or his/her authorized representative deems the complaint to be not substantial, he/she shall dismiss it; or
- B. If the chancellor or his/her authorized representative deems the complaint to be substantial, and which, if true, might lead to dismissal, he/she shall proceed under the provisions of UWPA 8; or
- C. If the chancellor or his/her authorized representative deems the complaint to be substantial, but which, if true, would probably not lead to dismissal, he/she shall refer it to the Academic Staff Committee. The chancellor or his/her authorized representative shall notify in writing the academic staff member who is the subject of the complaint of the specific nature of the complaint, the identity of the individual or party who made the complaint, and his/her disposition of the complaint under (A), (B), or (C).

2. Whenever the chancellor refers a complaint to the Academic Staff Committee, the following procedures shall be followed:

- A. The Academic Staff Committee shall notify in writing both the academic staff member who is the subject of the complaint and the complainant that the chancellor has instructed the committee to conduct a formal hearing on the complaint.
- B. The academic staff member who is the subject of the complaint shall determine whether the hearing will be open or closed. The hearing shall be held in compliance with Section 10.04, Wisconsin Statutes, "Open Meetings of Governmental Bodies," except that the academic staff member who is the subject of the complaint has the following options regarding the format of the hearing:
 - 1) The hearing is closed to all but the Academic Staff Committee; or
 - 2) The hearing is closed except that the following may attend:
 - a. The academic staff member who is the subject of the complaint.
 - b. The complainant.
 - c. Legal counsel, but only as an observer and advisor to his/her client; or
 - 3) The hearing is open.
- C. The Academic Staff Committee shall initiate hearings at dates times and places mutually convenient to the committee, the academic staff member, and any witnesses the committee may wish to hear, as soon as possible, but in no case later than 20 working days after the complaint is received from the chancellor.
- D. The Academic Staff Committee shall hold hearings, make records of the hearings, prepare a summary of the evidence, and transmit such record and summary, along with its findings and recommendations on the hearing record, to the chancellor. In all hearings on complaints, the burden of proof of the existence of misconduct on the part of the academic staff member shall be on the individual or party making the complaint.

- E. The committee, on the basis of its findings on the evidence presented at the hearing, and within 10 working days after the hearing, shall recommend to the chancellor that the complaint be dismissed, or that there exists sufficient grounds for discipline. The committee shall provide the academic staff member concerned with a written statement of its findings and recommendations to the chancellor.
- F. A complaint may be withdrawn only through written notification to the Academic Staff Committee. Discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that charges were without merit. However, the academic staff member who is the subject of the withdrawn complaint shall have the right to address the committee regarding the complaint.
- G. The chancellor shall, within 10 working days after recommendation of the committee, make a decision to discuss the complaint, or impose discipline on the academic staff member. He/she shall advise the academic staff member and the Academic Staff Committee of his/her decision in writing, and, if discipline is to be imposed, the nature of the discipline.
- H. The decision of the chancellor shall be final.

10.05 GRIEVANCE PROCEDURES.

1. Informal Settlement. Before seeking a remedy through the formal grievance procedures, an employee with a grievance is strongly advised (but not required) to discuss it with his/her immediate supervisor with a view to settling the matter informally. A grievance may be settled informally at any level of supervision after an employee has presented it in writing to the supervisor; the settlement arrived at informally must be included in a written response from the supervisor to the employee.
2. Formal Grievance Procedure. A grievance shall be submitted by an employee first to his/her immediate supervisor, and then may be appealed, first to successively higher levels of supervision (except for the chancellor), and finally to the Academic Staff Committee.
 - A. A grievance shall be submitted by an employee in writing to his/her immediate supervisor not later than 14 working days from the date the grievant first became aware of, or should have reasonably become aware of, the cause of the grievance. A supervisor must return a written response to the employee within 20 working days of receipt of the grievance.
 - B. If, in the view of the aggrieved employee, the written reply of a supervisor does not provide an adequate response for the grievance, or if he/she does not receive a written reply within 20 working days, the employee may appeal the grievance in writing to the next higher level of supervision. A written disposition must be returned to the employee at this step within 20 working days.

- C. If, in the view of the aggrieved employee, the written reply of a supervisor at the highest level of supervision to which he/she is subject does not provide an adequate response for the grievance, or if he/she does not receive a written reply within 20 working days, the employee may appeal the grievance to the Academic Staff Committee within 14 working days.
- D. Within 14 working days after receiving a written grievance from an employee, the Academic Staff Committee shall make any necessary preliminary investigation and hold a hearing at which the aggrieved employee, his/her representative, or both, and other parties to the grievance may be present. The committee may make any necessary supplemental investigation and must return a written response to the employee and chancellor as soon as is reasonably possible; such a response shall include the principal reasons for its findings. Committee members who are a witness or party to the grievance should disqualify themselves from hearing the case.
- E. If, in view of the aggrieved employee, the written response of the Academic Staff Committee to the chancellor or the subsequent action of the chancellor does not produce a satisfactory settlement of the grievance, the employee may, within 10 working days, appeal the findings to the chancellor, whose decision shall be final.

3. General Conditions. The following general conditions shall be observed throughout the grievance process:

- A. An employee has a right to assistance and representation by an individual of his/her own choosing.
- B. An employee and his/her representative shall be free of reprisal, or threat of reprisal, for using the grievance procedure.
- C. Prior to the expiration of the time limits established in the grievance procedure, they may be extended by mutual agreement of the parties involved.
- D. If an employee fails to appeal a grievance within the appropriate time periods provided herein, the grievance shall be considered resolved on the basis of the last disposition rendered.
- E. The employee's written grievance shall deal only with the specific conditions or acts which are the cause of or gave rise to the stated grievance.

4. Definitions.

- A. "Working days" are all days of regular university business, excluding Saturday, Sunday, and legal holidays.
- B. "Supervisor" is a person with that title, or a chairperson, dean, director, senior administrator, or other person functioning in that capacity.

Approved by the Academic Staff Committee, October 12, 1982, and Revised June 9, 1986, March 7, 1991, June 12, 2007, January 7, 2009.