

# North Dakota State University

## Policy Manual

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### SECTION 157 GRIEVANCE PROCEDURES

SOURCE: NDSU President

1. A grievance exists when an employee is dissatisfied with an aspect of his/her employment over which the employee has no control and on which remedial action is desired, excluding job family assignment and performance evaluations for broadbanded staff and other employees not covered under Section 353. (Section 241).
2. If an employee feels unfairly treated or has a complaint, the employee shall first discuss it with the immediate supervisor. It may be a case of misunderstanding which can be straightened out by frank discussion.
3. All employees have the right to present grievances to their supervisors or department heads and are assured freedom from discrimination, coercion, restraint or reprisal in presenting grievances.
4. At each step of the grievance procedure, the employee may be represented by another University employee or by a representative of the employee's choosing.
5. The intent of the University's grievance procedures is to provide a reasonable opportunity for the resolution of an employee's dispute with the University. Depending upon the nature of the grievance, the University has several formal grievance procedures which are available for use by an employee who feels aggrieved or discriminated against and for which informal discussions have not been satisfactory to the employee. If more than one of the University grievance procedures is available for a particular issue, the employee should consult with the Director of Human Resources/Payroll, the Vice Provost for Faculty and Equity (in the case where the issue involves alleged discrimination) or a unit administrator when considering grievance options. Once an employee files a formal grievance in writing with the Office of the Provost, the Office of Human Resources/Payroll or the Presiding Officer of the University Senate (to initiate a faculty Special Review Committee), the employee will not be entitled to grieve the same issue using another internal grievance procedure. If an employee seeks the resolution of a grievance in any external forum, whether administrative or judicial, prior to seeking resolution of the issue by filing a grievance in one of the formal internal grievance procedures listed below or while one of those grievance procedures is in progress, the University may, following notification to the employee, suspend the internal grievance procedure pending a final decision in the external forum.

The Director of Human Resources/Payroll (and the Vice Provost for Faculty and Equity in a case of alleged discrimination, harassment, or retaliation) will act in an advisory capacity, as requested, to all parties involved in the grievance procedure.

#### **All employees**

- 5.1 If the grievance is based on alleged discrimination, that is, an issue related to age, color, gender expression/identity, genetic information, marital status, national origin, physical or mental disability, pregnancy, public assistance status, race, religion, sex, sexual orientation, status as a U.S. veteran, or participation in lawful activity, any employee may use the

Discrimination, Harassment, and Retaliation Complaint Procedure (Section 156). This procedure includes information about the process for filing a complaint, retaliation prohibitions, remedial measures, informal and formal resolution processes, notice of mandatory reporting responsibilities, and filing a complaint with an external agency.

## **Faculty**

5.2 If the grievance involves a faculty member (instructor, assistant professor, associate professor, or professor), lecturer, adjunct faculty member or graduate teaching assistant and is based on a dismissal, termination, nonrenewal or nonpromotion, grievance procedures are described in Sections 350.3. Grievances based on matters other than dismissal, termination, nonrenewal, or nonpromotion may also be grieved using the procedure described in Section 353.

## **Broadbanded and all other employees**

5.3 If the grievance is based upon an aspect of employment over which an employee has no control and desires remedial action, e.g., salary, working conditions, disciplinary action, etc., the employee uses the Condition of Employment Grievance Procedure (Section 230). This grievance option is limited to regular employees who have completed their probation period.

5.4 If the grievance is based on a suspension without pay, dismissal or demotion which the employee feels is unjust, the employee uses the Grievance Procedure for Termination of Employment (See Section 231). This grievance option is limited to regular employees who have successfully completed their probationary period.

6. The University's Director of Human Resources/Payroll and the Vice Provost for Faculty and Equity are available to provide assistance to employees in determining, under the given circumstances, which grievance procedure may be most appropriate.

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### **HISTORY:**

New	July 1990
Amended	April 1992
Amended	May 1997
Amended	October 1997
Amended	October 2002
Amended	March 2005
Amended	October 2007
Housekeeping	July 2010
Housekeeping	April 15, 2016
Housekeeping	March 24, 2017