

North Dakota State University

Policy Manual

SECTION 230 GRIEVANCE PROCEDURE FOR CONDITIONS OF EMPLOYMENT

SOURCE: NDUS Human Resource Policy Manual, Section 28

1. The grievance process begins when a regular staff employee presents in writing an allegation that there has been a violation, misinterpretation, or misapplication of a policy, procedure, or practice regarding the employee's employment conditions. Dismissal, change to lower pay rate, suspension without pay, reduction in force (see Section 223 Reduction in Force), and job family assignment (see Section 241 Broadbanding Policy), allegations of sexual harassment under Title IX (see NDSU Policy 156.1), and issues of illegal discrimination (see SBHE procedure 603) cannot be grieved pursuant to this section.
2. If an employee feels unfairly treated or has a complaint, the employee shall first discuss the issue with the immediate supervisor in an attempt to solve the problem at the lowest level possible. The discussion may include others within the supervisory chain.
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 institutional employee or by a representative of the employee's choosing.
5. Process: NOTE: All references to work days shall be to actual days worked at the normal work site by the person required to respond. Any disposition which is not advanced within the time allowed at each level shall be considered settled and binding on the employee and the institution. At any level, the employee and the appropriate supervisor may agree, in writing, that additional time is required after the grievance has been filed in writing. A copy of all documents must go to the Director of Human Resources/Payroll or other designated campus official who shall keep official records of the progress of the grievance.
 - 5.1 (Step 1) If the discussion described in 2 does not lead to a resolution of the issue, then an employee shall submit his/her grievance in writing to the immediate supervisor and deliver a copy to the Director of Human Resources/Payroll or other designated campus official.
 - 5.1.1 If the grievance involves the immediate supervisor, the employee may begin the process with the next level of supervision.
 - 5.1.2 The written grievance will describe with specificity the management action which is the cause of the grievance, cite the policy, procedure, or practice involved, and provide a suggested remedy. The remedy must be applicable to the person grieving.
 - 5.1.3 A grievance must be brought within twenty working days from the act causing the grievance unless a longer period of time is provided by law or written agreement. The Director of Human Resources/Payroll or other designated campus official shall notify the employee and the supervisor whether the complaint meets the criteria for a

grievance. Within ten working days from this notification that the criteria has been met, the supervisor shall reach a decision and communicate it in writing to the employee. Every effort should be made to settle grievances at this stage.

5.1.4 A supervisor may confer with his/her supervisors

5.2 (Step 2) If the grievance is not settled at step one, the employee shall advance the written grievance to the next level of supervision within ten working days. The advanced grievance must include a copy of the original written grievance, the supervisory responses, and a letter describing the disagreement with the supervisory responses. The supervisor shall reply in writing to the employee's grievance within ten working days.

5.2.1 Advance of the grievance may not exceed three levels (not including the President). The third level of review will be at the Vice President level except in the case of other direct reports to the President. To facilitate the process where an employee has multiple layers of supervisory oversight, the Director of Human Resources/Payroll will designate the responding supervisors.

5.3 If a grievance is advanced to the institution President or designee after the Vice President's response or if an employee reports directly to the President, the President or designee shall review the grievance and render a decision within ten working days, or the President may appoint a Staff Personnel Board within ten working days. A Staff Personnel Board consisting of three appointed members shall review the grievance and supervisory responses and may investigate any issue pertaining to the grievance in an effort to provide a recommendation to the President or designee. The Staff Personnel Board must provide their recommendation within twenty working days of their appointment. The President or designee shall render a decision within ten working days of the Staff Personnel Boards recommendation. The decision of the President or designee shall be final.

HISTORY:

New	April 1992
Amended	August 1997
Amended	January 2007
Amended	August 14, 2020
Amended	December 14, 2020