

Academic Staff Personnel Rules

Chapter Fifteen -- Grievances

ACS 15.0. Grievances by Academic Staff.

A grievance is a formal complaint by an employee which alleges unfair treatment or dissatisfaction with aspects of working conditions within the University and which are outside his/her control. The term "grievance" is used in two senses here. It denotes first the distress or dissatisfaction caused by perceived unfair treatment or violation of rights or in general unsatisfactory working conditions. It also denotes a formal appeal for relief from such distress or dissatisfaction. Any grievance in the first sense may be the subject of a formal grievance unless it is a reaction to substantive academic judgments made in the course of evaluating academic staff for renewal, salary adjustments or other such personnel decisions. As a formal statement, a grievance differs from a complaint in focusing upon the undue effects experienced by the grievant rather than upon the alleged misconduct of another and in seeking relief for the grievant rather than punishment for an offender. The following chart summarizes these general conditions.

| | Grievance | Complaint |
|--------|--|--|
| Rules | UW Oshkosh Academic Staff Personnel Rules Chapter 15 | UW Oshkosh Academic Staff Personnel Rules Chapter 16 |
| Nature | alleges unfair treatment or dissatisfaction with aspects of working conditions | objection to perceived misconduct and seeks disciplinary action against the offender |
| Focus | relief | sanction; can lead to dismissal from employment |

ACS 15.1. General Considerations.

- (1) Prior to filing a grievance, an academic staff member is encouraged to seek resolution with his/her immediate supervisor utilizing informal discussion, collegial interaction and existing structures to resolve conflicts and to remedy personal and professional concerns whenever possible. If the immediate supervisor is not a department head, he/she shall notify the department head of the grievance and ensuing discussions.
- (2) Where these do not provide a satisfactory resolution, the following formal procedure is established.
- (3) The purpose of this procedure is to resolve conflicts arising from grievances from academic staff members under UWS 13.02, except that judgments relating to renewal shall not be grievable unless the academic staff member alleges that nonrenewal was based on federal and/or state-prohibited discrimination. In that case academic staff members may also avail themselves of these procedures.

ACS 15.2. Grievance Procedures.

- (1) If the academic staff member is not satisfied with the resolution of the problem after informal discussion and consultation, he/she may file a written grievance indicating the results of the informal discussion and consultation and containing the information required in the section below identifying the form of grievances.
 - (a) If two or more academic staff members have a grievance with identical specifications, the grievances may be filed jointly.
 - (b) The grievance must be filed within sixty calendar days of the date when the grievant knew or should have known of the action taken which led to the grievance, unless the time of filing is

1 extended by mutual agreement of the academic staff member and Chancellor because ex-
2 tenuating circumstances exist as determined by the Chancellor.

3 (c) The grievance shall be filed with the college Dean or equivalent (or with the Chancellor if the
4 grievance is against an action of the Dean or equivalent).

5 (d) Within fourteen calendar days after the receipt of the grievance, the Dean, equivalent, or des-
6 ignee (or the Chancellor or designee) shall initiate an administrative review, including individ-
7 ual meetings with the grievant and other involved persons, and consideration of all relevant
8 documents.

9 (e) The person conducting the administrative review shall prepare a formal, written response to
10 each specification of the grievance and shall forward his/her findings together with copies of
11 all documents considered (or a list of the documents) in the administrative review to the
12 grievant, the Chancellor and, for information only, to the president of the Senate of Academic
13 Staff within forty calendar days of initiating review, unless the time is extended by the Chan-
14 cellor.

15 (2) If the academic staff member is not satisfied with the resolution of the problem after administrative
16 review, he/she may file a request for review by an academic staff hearing committee.

17 (a) This request must be filed with the president of the Senate of Academic Staff within fourteen
18 calendar days of receipt of the notification of the results of the administrative review.

19 (b) Following the procedures outlined in GOV 4.3.C., the president shall convene a committee
20 which shall review the grievance on the record and determine within fourteen calendar days
21 whether a hearing is required. A hearing is necessary only when the committee believes that
22 there is sufficient evidence to indicate the possibility that academic staff rights have been vio-
23 lated or that unfair treatment has been received.

24 (c) If no hearing is called, the hearing committee chairperson shall transmit his/her report, via the
25 president of the Senate of Academic Staff, to the grievant, the individual who conducted the
26 initial administrative review, and, for information only, to the Chancellor.

27 (d) If a hearing is called, procedures outlined under GOV 4.3.C. shall apply. The hearing shall be
28 completed within forty calendar days after being called, unless extended by mutual agree-
29 ment between the academic staff member and the chairperson of the committee.

30 (e) At the conclusion of the hearing, the committee shall transmit its findings and recommenda-
31 tions, via the president of the Senate of Academic Staff, to the grievant, the individual who
32 conducted the initial administrative review, and the Chancellor.

33 (3) The Chancellor shall render a formal, written decision to the grievant and the individual who con-
34 ducted the initial administrative review, and, for information only, to the president of the Senate of
35 Academic Staff within twenty-one calendar days of receipt of the recommendation from the aca-
36 demic staff hearing committee. The Chancellor's decision shall be final.

37 **ACS 15.3. Grievance Form.**

38 Grievances shall be filed in writing and shall contain the information identified below. In addition, grievants
39 should submit documents and information which would support the grievance. They are encouraged to
40 indicate the names of other persons who may be able to provide evidence related to the grievance, to-
41 gether with a general description of the evidence to be provided. All documents submitted in support of a
42 grievance shall accompany the grievance through all steps of consideration.

43 (1) Description of the specific act which resulted in the grievance, the date(s) upon which the act(s)
44 took place, and the names of persons involved.

45 (2) A listing of the specific rights of the academic staff member which are alleged to have been vio-
46 lated, or the nature of the alleged unfair treatment.

47 (3) Evidence to support the grievance. Such evidence may include materials predating the action
48 leading to the grievance.

49 (4) Desired outcome.