Policy ID:	ADM-HUM-62 Revision 2
Title:	Grievance of Termination
Description:	Details the grievance policy concerning initiating the grievance process, extension requests, the grievance committee and advisors, the hearing, the hearing determination, and confidentiality.
Category:	Human Resources
Applies to:	staff
Contact:	Human Resources
Purpose:	To provide terminated employees an opportunity to assert that his or her rights under University policy have been violated, and to seek review of same under this policy.

Policy Statement: This policy applies to all employees with the exception of faculty, who should refer to the Faculty Handbook for grievance procedures, and employees with contractual provisions to the contrary.

Initiating the Grievance Process
Within ten (10) days of the termination the now former employee, further referenced here as "Complainant",shall submit the grievance in writing to his or her direct supervisor and departmental director, with copies to Employee Relations and Development in the Offices of Human Resources and the Office of Legal Counsel.

The Complainant bears the burden of proof that he or she was improperly terminated under UCO policy. The written grievance must contain:

1. A clear and detailed, signed statement of the grievance, specifically stating how the termination decision violated UCO policy;
2. A summary outlining if, and with whom the points of dissatisfaction were discussed and the results of the discussion; and
3. A witness list and/or any other supporting documentation or evidence relevant to the grievance. The Offices of Human Resources may assist the Complainant in accessing necessary and relevant documentation or evidence that is manifested by the University or on UCO-owned computers.

Initial Review
The Executive Vice President of the University will review the submitted Grievance to evaluate whether he/she believes UCO policy has been, or may have been, violated. This may involve asking questions of the Complainant, his or her supervisor, the Office of Employee Relations and Development in the Offices of Human Resources and the Office of Legal Counsel.

Within ten (10) days of receipt, the Executive Vice President shall evaluate whether the Complainant has presented compelling reason to believe UCO policy was, or may have been, violated in the termination of the Complainant. The Executive Vice President will return a decision to the Office of Legal Counsel to either 1) forward the matter for hearing by a grievance committee, or 2) to dismiss the grievance on grounds that there is insufficient evidence from the Complainant to indicate UCO policy was violated, thereby ending the process.

In the event the matter is forwarded for hearing, the direct supervisor, further referenced here as the "Respondent," will be contacted by the Office of Legal Counsel and requested to submit a written response within ten (10) days to the Complainant, departmental director, Employee Relations and Development, and the Office of Legal Counsel. The response shall also contain a witness list and/or any other supporting documentation or evidence.

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Unless precluded by law, UCO may, at its discretion, informally resolve any grievance by stipulation, agreed settlement, consent order, or default. Informal agreements may be proposed to the Office of Legal Counsel at any time during the formal grievance process. The agreements must be made in writing and agreed upon by the Complainant and the President or designee of the University. The Office of Legal Counsel shall coordinate such agreements.

Requests for Extension
Requests by the Complainant, the Executive Vice President or Respondent for an extension from 10 days up to 30 days to submit the written grievance, decision, or response, respectively, will be considered for good cause only when the request is communicated in writing to the Office of Legal Counsel. Such requests shall fully explain the reasons for the request for extension, and shall be received by the Office of Legal Counsel at least four (4) days prior to the expiration of the initial ten (10) days. The Office of Legal Counsel may, at its discretion, grant the extension, or deny the request if good cause cannot be shown.

Committee Appointment, Notice & Pre-Hearing Communications
The Office of Legal Counsel shall appoint a three- (3) to five- (5) member staff and/or faculty Grievance Committee, as well as alternates, and provide a list of the appointed members to both parties. Within twenty-four (24) hours of notification, the parties may object to any committee member or alternate by notifying the Office of Legal Counsel in writing with details explaining the reason for objection. The Office of Legal Counsel may, at its discretion, excuse the committee member and reassign an alternate, or retain the committee member if a conflict of interest cannot be shown.

Once the list of committee members and alternates is finalized, the Office of Legal Counsel will notify the parties and all committee members and alternates of the scheduled date, time, and place of the grievance hearing, the reason for the hearing, and the procedures. The communications also will contain the written grievance and written response and any supporting evidence or documentation.

Within ten (10) days of appointment, the hearing facilitator, who shall not be a member of the grievance committee, shall convene the Grievance Committee to instruct on procedures, address procedural questions or concerns, and ensure that all aspects of the grievance procedure are clearly understood. The Grievance Committee shall elect a chairperson who also will serve as a voting member.

Advisors
Either party may be represented and/or assisted by a person or “Advisor” of his or her choosing in preparing and presenting a grievance. However, the advisor does not represent the individual in the hearing and may not address or question the committee members, witnesses, Complainant or Respondent. The Complainant will be expected to speak for himself or herself at all times. Advisors may not serve as witnesses during the same hearing, and his or her availability shall not hamper the timeliness or scheduling of the appeal hearing.

The Hearing
Formal rules of due process, procedure, and/or technical rules of evidence commonly applied in criminal and/or civil court, shall not be used in UCO grievance proceedings. A facilitator will oversee the formal grievance hearing to ensure adherence to the procedure and to record the entire hearing by electronic device. The recording shall serve as official “minutes” of the hearing. Parties shall present their opening and closing statements, testimony, and evidence pursuant to UCO’s Grievance Procedures.

During the hearing, the Complainant has the opportunity to offer information on his or her own behalf and to review all information, statements, or information presented. Only evidence pertinent to the grievance may be introduced into the hearing. Determinations of pertinence shall be decided by the committee chair. The committee chair will also decide any questions or objections to hearing procedures that are raised during the hearing. The committee chair may extend the hearing time if he or she determines that the committee requires additional information to render a decision.

After the committee chair determines that all necessary information has been presented and questions answered, the committee will go into closed session and all other persons will be excused. The Grievance Committee will determine whether the Complainant has met the burden of proof that he or

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she was improperly terminated, and if so, identify reasonable recommendations for correction of the termination.

Hearing Determination
The Grievance Committee's recommendation shall be submitted to the President, with copies to both parties, within three (3) days after the hearing is completed. During the three (3) day period, the employee may submit a written appeal to the President related to procedural matters only. Written appeal related to procedural matters received after the three (3) day period will not be considered.

Within five (5) days of receipt, the President shall return a final decision to the Office of Legal Counsel. The President's decision will uphold, modify, or reverse the Grievance Committee's recommendation and shall be final.

Confidentiality
The names of the parties and any witnesses or Grievance Committee members, all testimony and evidence, any determinations or conclusions, and any other information related to a grievance hearing remains confidential. Both parties, any witnesses or advisors, the Grievance Committee, and other necessary officers of UCO shall maintain strict confidentiality with these matters.

Parties may submit written requests for a copy of the official recorded minutes to the Office of Legal Counsel. Copies also may be provided to other authorized representatives on a need-to-know basis.

Glossary of Terms:	
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