

Includes revisions
as of 2/6/90

PROPOSED ASA CHAPTER 9

Chapter 9

Employment Problem, Grievance and Complaint Procedure for Academic Staff
Members

9.01 Informal Procedure for Resolving Employment Problems

An academic staff member who has an employment problem of any kind is first encouraged to attempt to resolve the matter informally. Establishing open lines of communication between the parties in a nonintimidating manner may be sufficient to resolve the problem.

1. ~~Consultation is recommended at any time that an academic staff member believes there may be a problem but needs more information or is reluctant to pursue the problem within the employing unit.~~
An academic staff member is encouraged to seek advice and information from the following University offices if he or she believes he or she is being treated unfairly, but is reluctant to pursue the matter within the employing unit or needs information about the process to resolve employment problems. The academic staff member may seek advice and information without initiating formal or informal action. ~~Advice and information are available from any of the following:~~
 - a. The UW-Madison Academic Personnel Office can provide information and advice on employee rights and responsibilities and appropriate procedures for resolving a problem, either informally or through the formal grievance procedure.
 - b. The UW-Madison Office of Affirmative Action and Compliance can provide information and assistance if the problem might involve discrimination.
 - c. Members of the Academic Staff Executive Committee or the Standing Committee on Personnel Policies and Procedures are also available to assist individuals in determining where to go for help. For committee membership, contact the Secretary of the Academic Staff.
2. Informal resolution of a problem may be pursued through any or all of the following.
 - a. Discussion with the immediate supervisor, principal investigator, department chair, or program director.
 - b. Discussion with the dean, director or designee if:
 - i. discussion with the individual in 9.01.2.a did not resolve the matter, or
 - ii. the academic staff member prefers not to discuss the problem with the individual in 9.01.2.a.
 - c. A request for assistance from the Academic Personnel Office or the Office of Affirmative Action and Compliance.

In response to a specific request for assistance in resolving an employment problem, these offices will initiate discussions with the academic staff member, supervisor, principal investigator, chair, director, dean, or other appropriate persons and recommend corrective action ~~through which to resolve it~~ as needed. These discussions concerning the employment problem will be initiated only with the consent of the employee.

~~The procedures described in 9.02, Formal Grievance Procedures, are available if informal attempts at problem resolution are unsuccessful or if the employee finds it necessary to bypass these informal procedures. Nonrenewals, dismissals for cause and layoffs are covered by UW-Madison ASA 5, 6, 8 and 10.~~

3. If informal attempts at resolution are unsuccessful, or if the staff member believes that informal resolution would not be productive, Formal Grievance Procedures are available in Section 9.02. These procedures do not apply to nonrenewals, dismissals for cause and layoffs, which are covered by UW-Madison ASA 5, 6, 8 and 10.
4. An alternative to the formal grievance procedure for questions concerning the assignment of title is an appeal to the Academic Staff Title Review Committee. See Academic Staff Title Review Committee Policy and Procedure, Academic Staff Document #045, in the appendix.

9.02 Formal Grievance Procedure

The formal grievance procedure ~~should be used to resolve employment matters that remain after informal efforts to resolve them as stated in 9.01 have been exhausted~~ is available to resolve employment problems that have not been satisfactorily resolved through the informal resolution process or where the staff member believes that informal resolution would not be productive. The formal grievance procedure is described in Steps 1 through 3 below. ~~It is advisable for grievants to be~~ The grievant may be accompanied by another person throughout the procedure. All time limits specified in 9.02 may be modified by mutual consent.

1. Step 1 -- Appeal to Department Chair, Director or Designee

a. Initiation

To initiate the formal grievance procedure, a written statement of grievance must be filed with the Academic Personnel Office for transmission to the department chair or director and the dean or director. The statement shall specify the identity of the grievant, the facts and allegations relevant to the grievance and the relief sought. A formal grievance must be initiated no later than thirty days from the time the academic staff member knew or could reasonably be expected to have known of the ~~cause of~~ circumstances giving rise to the grievance. Initiation of the informal grievance procedure described in 9.01 within the thirty-day period will extend the deadline for initiating the formal grievance to sixty days from the time the academic staff member knew or could reasonably be expected to have known of the ~~cause of~~ circumstances giving rise to the grievance.

b. Initial Response

Following receipt of the written statement of grievance, there shall be a period of fifteen working days, unless modified by mutual agreement, during which attempts shall be made to resolve the matter. At the request of either party, a conference shall be held during this period. Following these initial resolution efforts, a written response to the grievance must be made within ten working days by the department chair, director or designee. This response to the academic staff member must also notify the employee of his/her right of appeal under 9.02.2.

2. Step 2 -- Appeal to Dean, Director or Designee

If the decision is not accepted by the employee, he or she shall have ten working days to file an appeal with the dean or director or designee together with any additional information the employee deems appropriate. (A copy shall be sent to the Academic Personnel Office.) The dean, director, or designee shall render a written decision within ten working days to the academic staff member (copies shall be sent to the chair, director or designee and the Academic Personnel Office). This decision must also include notice to the employee of his or her right of appeal under 9.02.3. At the request of either party, a conference shall be held prior to the decision.

3. Step 3 -- Appeal to a Reviewer or Review Body

If this decision is not accepted by the employee, he or she shall have fifteen working days in which to request an impartial review of the grievance. This review shall be conducted by a reviewer or review body in accordance with UW-Madison ASA 7. The reviewer or review body shall present written findings of fact and recommendations to the Chancellor or designee and to the appropriate dean or director, with a copy to the grievant. Upon receipt of recommendations from the reviewer or review body, the Chancellor or designee shall implement the recommendations or give the grievant written reasons for any decisions to modify the recommendations. The decision of the Chancellor is final. The use of this grievance procedure shall not prevent the grievant from seeking redress through another administrative or legal process. However, if the grievant initiates any other administrative or legal action while the grievance is pending, the grievance procedure may be held in abeyance at the option of the Chancellor's Office.

4. Time Limits

Steps in the formal grievance procedure must be initiated and completed within the designated time periods except when modified by mutual consent. If the employee fails to initiate the next step in the grievance procedure within the designated time period, the grievance will be considered resolved by the decision at the last completed step. If there is no response to a grievance within the designated time period at any step, the employee can proceed to the next step in the grievance process within ten working days of the expiration of the designated period. In cases of an appeal of dismissal for cause under UW-Madison ASA 8, grievances filed by the appellant may be held in abeyance pending the resolution of the appeal.

5. Representation

In the interest of fairness, both parties should be notified in advance if any additional persons will be present at a grievance conference. If, during the course of the conference, either party wishes to seek professional assistance, he or she may request a postponement without abrogating grievance rights at that stage. Such postponement may be for no longer than five working days.

9.03 Reports and Evaluations of Formal Grievances

1. The Chancellor or designee shall submit a quarterly report to the Standing Committee on Personnel Policies and Procedures (SCPPP) of the Academic Staff Assembly within fourteen days of the end of each calendar quarter listing the status of all formal grievances in process or resolved during the quarter. The report shall provide sufficient information regarding the basis of each grievance that the Committee may be informed about areas of concern to the academic staff as implied by the substance of these grievances and make appropriate policy recommendations where necessary. Specific details of grievances discussed by the SPPPP shall be kept confidential.
2. At the completion of a grievance in which redress is awarded, it is the responsibility of the Chancellor or designee, ~~in consultation with the grievant or review body~~ in the case of Step 3 grievances, to make a reasonable effort to evaluate whether the specific redress awarded should be extended to other individuals in circumstances similar to those of the original grievant. ~~A report of this evaluation and the action recommended will be submitted to the SPPPP within thirty days of the resolution of the original grievance.~~ A report of this evaluation and the action taken will be included in the quarterly report of grievances specified in 9.03.1.

9.04 Formal Complaint Procedure

1. Action on Complaint

~~A~~ When a written complaint is filed against an academic staff member by ~~a~~ any person other than the academic staff member's supervisor concerning

- a) conduct that ~~a~~ adversely affects the staff member's performance ~~of~~ of professional responsibilities and obligations to the as a UW-Madison employe or
- b) conduct that violates university rules or regulations.

the complaint shall be referred within ten working days to the appropriate administrator having jurisdiction over the individual charged within ten working days of receipt of such complaint named. The administrator shall also notify the complainant that the complaint will be reviewed and appropriate action taken.

2. Initial Review

The administrator shall conduct an initial review of the complaint and within a reasonable period of time notify the individual who is the subject of the complaint that:

- a. there is no adequate cause for further review and no action on the complaint will be taken; or
- b. there is sufficient cause for continuing review of the substance of the complaint and the review process may result in disciplinary action or other appropriate remedy.

3. Notification upon Completion of the Review Process

The administrator shall inform the individual who is the subject of the complaint in writing of the decision arising from the review process (see 9.04.2.b above) within a reasonable period of time. The administrator must also notify the employe at the same time of his or her right of appeal under 9.04.4.

4. Appeal

If the academic staff member chooses to contest the remedy or disciplinary action (other than dismissal, which is covered by UW-Madison ASA 8, or nonrenewal, which is covered by UW-Madison ASA 5 and 6), he or she may use the procedures for appeal outlined in 9.02.

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University of Wisconsin-Madison Academic Staff Assembly

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January 30, 1990

TO: Academic Staff Executive Committee
FROM: Ann Wallace, Chair, SCPPP *AW*
RE: Transmittal of Academic Staff Title Review
Committee Document

The Standing Committee on Personnel Policies and Procedures (SCPPP) recently reviewed the function and composition of the Academic Staff Title Review Committee. Originally created as the Ad Hoc Appeals Committee to help resolve questions regarding initial title assignments, it predates the establishment of the Academic Staff Assembly. The SCPPP believes there is a continuing need for this committee and recommends that it be brought into the structure of academic staff governance because its recommendations have a direct impact on personnel matters concerning the academic staff.

The SCPPP has prepared the attached document to establish the policy and procedures governing the function of the Academic Staff Title Review Committee and we recommend its adoption by the Academic Staff Assembly. This document makes formal the procedures that are currently being followed and clarifies how this committee's activities relate to the grievance process and academic staff governance. It also reflects and incorporates comments and concerns the committee has received from members of ASEC and other academic staff.

We do not consider the Title Review Committee to be a policy committee, and it therefore should not be a standing committee of the Academic Staff Assembly. It is an administrative review committee that provides a procedure for fact-finding and review regarding a title dispute. By giving an academic staff member the opportunity to request a broader review of a title assignment without having to file a formal grievance, the Title Review Committee offers the possibility of resolving a dispute without compromising future working relationships between employees and employers. We are impressed with the procedures the current committee has used, and find its relatively informal, non-confrontational approach appropriate to its purpose.

The SCPPP discussed the composition of the Academic Staff Title Review Committee at length. We feel strongly that a majority of the committee members and the chair should be members of the academic staff. At the same time, we think it is beneficial to maintain faculty participation. By doing so, we recognize that faculty and academic staff have a common interest in the welfare of academic

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staff. We can only gain by continuing to keep faculty involved with the titling system and its problems.

In closing, we want to emphasize that our recommendations on the composition of this committee are made in consideration of its special role, and are not necessarily applicable to other academic staff committees, particularly the Area Review Committees. Policy questions regarding title assignment remain the concern of the SCPPP and the Standing Committee on Compensation and Economic Benefits. In order that there be no misunderstanding on this issue, we request that this memo be forwarded to the Academic Staff Assembly along with the attached document and that it remain a permanent part of the academic Staff Title Review Committee documentary record.

Attachment