

1. Title

Employee Grievance

2. Rule and Regulation

Sec. 1 Policy. It is the policy of The University of Texas System or any of the institutions to encourage fair, efficient, and equitable solutions for problems arising out of the employment relationship and to meet the requirements of State and federal law.

Sec. 2 Scope of Policy. This policy shall be applicable to complaints concerning wages, hours of work, working conditions, performance evaluations, merit raises, job assignments, reprimands, the interpretation or application of a rule, regulation or policy, unlawful discrimination on any basis, or allegations that the termination of a probationary or temporary employee or an hourly or per diem employee who works on an as needed basis was for an unlawfully discriminatory reason. Such complaints shall be processed through the Discipline and Dismissal Appeal Procedure.

Sec. 3 Who is Covered. The complaint of all employees (except employees subject to another approved grievance procedure), including probationary and temporary employees and those hourly or per diem employees who work on an as needed basis, will be considered pursuant to the procedure provided below.

Sec. 4 Retaliation Prohibited. *Texas Government Code* [Section 554.002](#) states that “a state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority.” Therefore, employees shall not be penalized, disciplined, or prejudiced for exercising the right to make a complaint or for aiding another employee in the presentation of that complaint.

Sec. 5 Presentation to Supervisor. The employee shall informally present the complaint to his or her supervisor for discussion, consideration, and resolution within five working days from the date of the action, which is subject of the complaint. If the supervisor is the subject of the complaint, the employee may

address the complaint to the appropriate department head or administrative equivalent.

- Sec. 6 Presentation to Department Head. If the supervisor does not satisfactorily resolve the complaint within five working days, the employee may present the complaint in writing within five working days to the appropriate department head or administrative equivalent for consideration and action. The written complaint should be clearly identified as a grievance, contain a concise statement that explains the specific complaint, and contain the employee's recommendation for attaining a sufficient remedy of the complaint. A written decision shall be mailed to the employee within five working days of receipt of the complaint.
- Sec. 7 Presentation to Dean. If the employee is not satisfied with the decision of the department head or administrative equivalent, a written appeal stating why the appealed decision is incorrect may be made to the appropriate dean, director or administrative equivalent within five working days of the date of the appealed decision. A written decision shall be mailed to the employee within ten working days of the date of the appeal.
- Sec. 8 Presentation to Appropriate Vice President. Complaints not satisfactorily resolved by the dean, director or administrative equivalent may be appealed in writing to the appropriate vice president or administrative equivalent for the employee's department within five working days of the date of the appealed decision. The appeal shall state why the appealed decision is not correct. Within a reasonable time, not to exceed thirty calendar days following receipt of the appeal, a written decision shall be mailed to the employee. This decision is final.
- Sec. 9 Employee's File. The written complaint and all decisions or responses regarding such complaint shall be a part of the employee's personnel file.

3. Definitions

Grievance – a statement of complaint arising from the employment relationship together with a recommendation for resolution of the complaint that is identified as a grievance.

4. Relevant Federal and State Statutes

Texas Education Code [Section 51.960](#) – Grievance Rights on Certain Personnel Issues

Texas Government Code, [Chapter 554](#) – Protection for Reporting Violations of Law

Texas Government Code [Section 617.005](#) – Collective Bargaining and Strikes

5. Relevant System Policies, Procedures, and Forms

U. T. System Policy, [ADA Grievance](#)

6. Who Should Know

Employees

7. System Administration Office(s) Responsible for Rule

Office of Human Resources
Office of General Counsel

8. Dates Approved or Amended

December 10, 2004

9. Contract Information

Questions or comments regarding this rule should be directed to:

- bor@utsystem.edu