



Ohio Administrative Code

Rule 3337-41-11 Grievance procedure for administrative employees.

Effective: July 1, 2022

(A) Purpose

To provide a procedure for managing grievances of administrative employees.

(B) Policy

It is the policy of Ohio university to provide reasonable grievance procedures for administrators to appeal involuntary terminations with cause, and disciplinary actions equal to a suspension of greater than three days, and an involuntary demotion. Any employee whose grievance involves alleged discrimination will be directed to the office of equity and civil rights compliance per Ohio university policy 40.001. Performance evaluations, salary disputes, disputes concerning working conditions and employment separations due to a reduction in force in accordance with policy 41.013 are not grievable. Employment separations for employees holding intermittent, special, research and term appointments are not grievable.

(C) Procedure

An individual who feels that a grievance exists shall be responsible for stating, in writing, using the Ohio university administrative employee grievance form the grounds upon which the alleged grievance is based. The burden of proof rests upon the grievant. All time limits in this policy refer to workdays.

(1) The grievant must file the grievance with said employee's immediate supervisor within ten workdays of the occurrence or within ten workdays of when said employee had or should have had knowledge of the occurrence which led to the grievance. The immediate supervisor must respond to the grievance in writing within seven workdays.

(2) If the grievant is not satisfied with the response, said employee may appeal within seven



workdays to the chair of the administrative senate. Within fourteen workdays, the chair shall appoint an ad hoc committee (grievance review committee) of the administrative senate of at least three administrators, none of whom shall be employed in the grievant's department. The committee will review the complete record. The committee will meet with the grievant to discuss the committee's authority and the process for reviewing the grievance. If at any time the grievant is exploring other avenues of settlement, the committee's process will be stayed until those avenue of settlement are complete. If pursuing other avenues of settlement takes more than sixty workdays, the grievant must re-initiate the grievance process. The committee will notify the employee, the employee's planning unit head, and the chair of the administrative senate of its recommendation within thirty workdays of receiving the grievance. The planning unit head will have seven workdays to accept, reject, or modify the committee's recommendation and will notify the employee of the decision in writing. The written decision of the planning unit head will also be given to the chair of the administrative senate (who will relay the decision to the grievance review committee) and the director of university human resources. The decision of the planning unit head is final and binding upon the grievant and the department.

(3) The time limits specified in the procedure may be extended only by mutual written agreement of the parties concerned.

(4) All meetings shall be conducted in executive session.

(5) The grievant may withdraw from the grievance process at any time without penalty; the grievant must notify the chair of administrative senate in writing. The chair of administrative senate will notify the grievance review committee and request from the committee a summary of its work to date. All records related to the grievance will be retained by administrative senate.

(D) Guidelines for administrative senate grievance review committees

These guidelines are to be held by the administrative senate chair and distributed to grievance review committees each time they are appointed.

(1) Review procedure number 41.011 in the Ohio universities policies and procedures manual for guidance, giving special attention to the established time limits.



(2) Meet to review all the documentation, case history and information received from the chair of the administrative senate. Decide which individuals connected with the grievance that the committee may want to contact to collect documents from an/or interview. Notify these individuals to discuss their potential involvement in the process.

(3) Meet with the grievant to review the process and to discuss the grievant's expectations. Make certain that the grievant understands that the committee is an advisory body to the administrative senate, and it will only be making a recommendation on the merits of grievance, not a final enforceable decision. Review with the grievant the documentation the committee currently has and suggest that the grievant submit additional information if they choose. Also advise the grievant that the committee has the authority in doing its investigation to request documentation from other sources such as human resources, supervisors, and coworkers, and that individuals connected with the matter may be interviewed by the committee. Advise the grievant that if the grievant wishes the committee to review medical or psychological information, the grievant must sign a release; otherwise, this information will not be made available to the committee.

(4) Conduct an investigation through interviews and the collection of documents as deemed necessary by the committee. Make a written record of the investigation, being aware that this will be considered a public record and subject to disclosure upon request. Keep any medical or psychological information gathered in a separate file, since this cannot be disclosed by the committee on a public records request unless the grievant signs a release allowing the committee to disclose it.

(5) If the grievant or any individual to be interviewed requests to have legal counsel present, advise them of the following:

(a) This is an informal process that will generate only a recommendation as to the merits of the grievance. It is not a final enforceable decision.

(b) It is not an adversarial process, but merely a fact-finding interview and therefore the committee does not allow advocates or attorneys to be present. Employee may have a support person present; however, this person is not to advocate, participate or engage in the process on behalf of the employee.



(c) However, if the individual wishes, the individual may bring a recording device to the interview, as long as the individual provides the committee with a copy of the tape if requested.

(6) During the interview process, be careful to focus on the specific issue(s) contained in the grievance.

(7) After completing the investigation, review all the information collected and researched, and make a recommendation to the chair of the administrative senate. Notify the grievant of the committee's recommendation. Remind the chair of the administrative senate to notify the grievance review committee about the disposition of their recommendation.

(8) Keep in mind that, barring stays, the grievance review committee had thirty days to complete its deliberations.