



**STANFORD UNIVERSITY
Employee & Labor Relations**

USER'S GUIDE

**Administrative Guide Memo
22.10 GRIEVANCE PROCEDURE**

1. Am I eligible to grieve?

In order to file a grievance, you must be regular, trial period, casual or temporary employee as described in Administrative Guide Memo 23.1. Students, Academic and Senior Staff are excluded. Bargaining unit employees should refer to their collective bargaining agreements. For a complaint to be timely, the request for dispute resolution must be filed with Employee & Labor Relations (E&LR) within **thirty (30) calendar days** from the date the problem or dispute arises.

2. How do I initiate the grievance review process?

You should identify the problem to your supervisor or manager and engage that individual in informal discussions to attempt to resolve the issue (Step 1). If the problem is not resolved to your satisfaction through discussion with your supervisor, your option is to take the matter to the next level of authority. Other possible resources that you should consider using are the local human resources office, assistance by E&LR, and the Ombudsperson Office.

3. How do I make the request for a review?

If a dispute has not been resolved informally through discussions with the immediate supervisor or manager, an employee as identified in item 1; may raise his/her concerns to the University by submitting to E&LR a formal written grievance. E&LR reviews the grievance for applicability, eligibility, and timeliness. If accepted by E&LR, a formal grievance does not become "active" until it has been assessed for possible mediation. If mediation is not an option, the grievance becomes "active" and is assigned to a University Reviewing Officer

Please go to the E&LR web site, www.stanford.edu/elr, to review and download the grievance form. Provide complete answers to the questions on the form and send it via ID mail or via U.S. mail to Employee & Labor Relations at 320 Panama Street, Stanford, CA 94305- 4160. If necessary, attachments can be submitted with the grievance form.

4. What happens after my statement of grievance is received?

Trial period, casual, and temporary employees: If the remedy by E&LR is not acceptable to either you or your department, you may request that the grievance be appealed to a University Reviewing Officer (Step 2). It will also be considered to see if the grievance can be resolved through formal mediation.

Regular staff employees: The issue will be reviewed to determine if it will be feasible to resolve the grievance through mediation. If and when it is determined that mediation is not appropriate, or if mediation is not successful, a formal review will be held at Step 2 of the Grievance Procedure. During the mediation process, the time lines for the grievance process will be suspended.

5. How is the University Reviewing Officer selected?

E&LR will identify the University Reviewing Officer to review the grievance and individuals appointed to take on this responsibility are employed by Stanford University at a management level. The University Reviewing Officer's primary role is to determine whether the facts put forward establishes any violation of University policy

6. How will the University Reviewing Officer decide the issue?

The University Reviewing Officer may convene a review meeting, or may gather information in any other way that he or she deems appropriate, in order to render a decision.

7. How is the review meeting arranged?

An Employee Relations Representative will notify the grievant in advance about the date and time of the review meeting. At this meeting, you and the representatives from the department will have an opportunity to make statements and to present information to the University Reviewing Officer.

8. Who attends the review meeting?

In addition to you and the University Reviewing Officer, the Employee Relations Representative, and one or more representatives from your department will attend the review meeting. Relevant witnesses may also be allowed to attend parts of the meeting. You may act as your own representative or select any Stanford University employee, who is not employed as a lawyer, to represent you as stated in item 9.

9. Who can be my representative?

As stated in the Grievance Procedure, a representative may accompany you throughout the proceedings. At Step Two, the individual you choose to accompany you must be a Stanford University employee, not employed as a lawyer, who is both willing and able to participate without impairing the business of his/her department. Admittance to the review meeting by a representative must be cleared and confirmed by the Employee Relations Representative in advance. At Step Three only, the employee seeking dispute resolution may be represented at the sessions by an attorney or other outside representative of the employee's choosing and at the employee's cost.

10. What is the role of the Employee Relations Representative?

The Employee Relations Representative arranges and coordinates the review meeting, and serves as the support person to the University Reviewing Officer. You should direct any additional questions you may have about the grievance review process to the Employee Relations Representative.

11. Who are witnesses?

If there is relevant information that others can provide that you cannot, you may request to have witnesses present at the meeting. Witnesses may not be allowed to be present for the entire meeting. They may be present only at times appropriate for them to give information and to respond to questions.

It is not the responsibility of the University Reviewing Officer to track down witnesses for either party in the dispute. It is incumbent upon you to make arrangements to have your witnesses get to the review meeting to provide information. The witness, if employed by the university, will have the responsibility to get approval from his/her manager to be released to attend the hearing.

If necessary, you or the department will have the opportunity to question any statement by a witness and exceptions are subject to the approval of the University Reviewing Officer. The University Reviewing Officer may decide to seek information outside the meeting, and if so, will inform the participants. Admittance to the review meeting by any witnesses must be cleared and confirmed by the Employee Relations Representative in advance.

12. What are the written materials to be used at the review meeting?

The University Reviewing Officer will have a copy of the grievance form that was submitted to E&LR. If you wish to present any additional written material before or at the meeting, you must provide four (4) copies of it to the Employee Relations Representative – i.e. one (1) each for the University Reviewing Officer, the department, the Employee Relations Representative, and yourself.

13. Will I have the opportunity to review the written material provided by my department?

Not necessarily. You will only be given the opportunity to review the material that is appropriate to be shared with you. Proprietary or confidential information (e.g. budgetary information or information containing salary data on other employees, confidential information pertaining to or from the files of other employees) may be appropriate to be reviewed only by the University Reviewing Officer.

14. How long does the review meeting last?

The review meeting will be approximately two (2) to three (3) hours. If the University Reviewing Officer finds that at the end of the meeting more time is needed, you will be notified about the scheduling of a follow-up review meeting.

15. Will there be a record of the review meeting?

The only official record is the written determination of the University Reviewing Officer and the notes taken by the University Reviewing Officer and Employee Relations Representative during the review meeting or any follow-up fact finding session. The notes taken by the University Reviewing Officer and the Employee Relations Representative are confidential and will not be shared with you. Both parties (you and the department) are responsible for keeping their own notes. Unless approved by E&LR, using a device to tape or record the meeting in any way is not permitted and this includes the use of any other type of equipment that may hinder the review of the grievance.

16. How does the formal review at the second step of the process conclude?

Within fifteen (15) calendar days following the last review meeting, the University Reviewing Officer will issue a written determination of findings and recommendations. This document will be sent to the Employee Relations Representative that is involved with the grievance, who will make a decision on how to convey the decision to you and to the department. The findings will include a determination as to whether any university policy has been violated and if any remedy is to be awarded. You will be notified by the Employee Relations Representative if more time is needed by the University Reviewing Officer to render his/her decision.

17. What can I do if I do not accept the determination of the University Reviewing Officer?

The decision of the University Reviewing Officer will be reviewed by E&LR to ensure that University policy is properly applied.

Trial period, casual, and temporary employees: The University Reviewing Officer's decision will be final and binding on both the University and the employee. Claims by trial period, casual, and temporary employees are not eligible for neutral arbitration.

Regular staff employees: If you are not satisfied with the final determination you can discuss this with E&LR and a determination will be made if a further review is to occur. Requests for neutral arbitration (Step 3) will be agreed to automatically if the central issue is termination of employment or involuntary permanent layoff.

Except at Step 3, the University reserves the right to decline a request for neutral arbitration in all other cases. Before any arbitration can proceed, you must sign a statement agreeing that the decision of the arbitrator is binding upon both parties. At neutral arbitration, an attorney or other outside representative may represent you at the employee's own choosing and at the employee's cost. The University will pay the costs for the arbitration itself. Administrative Guide Memo 22.10 – Grievance Procedure will outline other applicable requirements under this policy.