



BOISE STATE UNIVERSITY

University Policy 7560

Problem-Solving Procedure

Effective Date

September 2019

Responsible Party

Human Resources, (208) 426-1616

Scope and Audience

This policy applies to all Classified, Probationary Classified, and Non-Classified/Professional employees. Faculty grievances are covered under University Policy 4480 (Faculty Grievance).

Additional Authority

- Idaho Code § 67-5315
 - Idaho Code § 67-5309(j),(n)
 - IDAPA 15.04.01.152.02.
 - IDAPA 15.04.01.153
 - IDAPA 15.04.01.200
 - State Board of Education Policy, Section II. M.
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1. Policy Purpose

To provide a fair, equitable, and efficient procedure for employees covered under this policy to present and resolve Grievances at the earliest date and lowest possible supervisory level.

2. Policy Statement

Employees are encouraged to discuss any employment-related concerns with their supervisors at any time. Supervisors should have an open-door policy for such discussions. In the event a concern becomes a Grievance, the University encourages employees covered under this policy to utilize the Problem-Solving Procedure for timely resolution of a non-disciplinary employment Grievance. A Grievance should be resolved at the lowest supervisory level possible within the University.

3. Definitions

3.1 Grievance

An employment-related problem expressed by an employee that does not involve: 1) matters reserved for the Due Process and Appeals Procedure; 2) allegations of unlawful discrimination or harassment; 3) termination during the entrance probationary period; 4) non-renewal of appointments or contract non-renewal situations; or 5) compensation-related matters (except University-wide compensation inequities).

3.2 Problem-Solving Procedure

A process for Classified, Probationary Classified, and Non-Classified/Professional employees to address a Grievance.

3.3 University Business Days

Monday through Friday, excluding weekends, official University holidays, and University closures.

4. General Provisions

- a. The Problem-Solving Procedure must be initiated by the employee asserting a Grievance.
- b. An extension to a timeline may be requested by either the employee or the appropriate upper-level manager and must be agreed upon by both parties in writing. An extension to a timeline must not exceed thirty (30) calendar days for such an extension.
- c. If the employee asserting a Grievance fails to meet any time limits of the Problem-Solving Procedure, the Grievance is considered resolved unless both parties agree upon an extension. The administration of this procedure is the responsibility of Human Resources once notified that an employee has initiated the Problem-Solving Procedure. Human

Resources facilitates the procedure at every stage to ensure the University's compliance with this policy and all other applicable policies. Human Resources is available to all parties to answer questions about this policy. Problem-Solving Procedure documents must be copied to Human Resources.

- d. University employees, upon approval from their direct supervisor, are allowed to use a reasonable amount of regular compensated work time to participate in a Problem-Solving Procedure. In the event an employee feels additional work time is needed beyond that approved by the direct supervisor, the employee may contact Human Resources to resolve the issue in consultation with the appropriate parties.
- e. A Problem-Solving Procedure file is maintained confidentially by Human Resources for each separate Problem-Solving Procedure performed.
- f. Except for the Pre-Filing Informal Meeting, an employee has the right to be represented throughout the procedure. However, the request for a representative cannot delay the time frames outlined in this policy, unless the parties mutually agree to an extension for a reasonable period of time. An employee is responsible for notifying the employee's representative of the time and place for any meeting. All costs and expenses associated with the representative are the responsibility of the employee. The employee should notify Human Resources of the employee's intent to bring a representative twenty-four (24) hours prior to the meeting.
- g. An employee alleging unlawful discrimination or harassment is provided rights and the procedures for filing a complaint under University Policy 1060 (Non-Discrimination and Anti-Harassment) and University Policy 1065 (Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking). An employee with such allegations may also file a complaint with the Idaho Human Rights Commission.
- h. The Problem-Solving Procedure cannot be used in situations where the applicable policy specifies the subject matter is not eligible for the Problem-Solving Procedure such as hours of work policies, non-renewal, and compensation issues, except as it applies to alleged University-wide inequities.
- i. Retaliation is prohibited during the Problem-Solving Procedure. No employee may be disciplined or otherwise prejudiced in employment for exercising their rights under the Problem-Solving Procedure. No employee shall be retaliated against for utilizing the Problem-Solving Procedure or for serving as a witness or representative in a Problem-

Solving Procedure. Any such retaliation is expressly prohibited and may constitute grounds for disciplinary action up to and including dismissal from employment.

5. Problem-Solving Procedure

5.1 Pre-Filing Informal Meeting with Direct Supervisor

An employee and the direct supervisor are strongly encouraged to engage in an informal meeting to identify the precise Grievance(s), discuss ways to resolve the Grievance(s), and resolve the Grievance(s) at the lowest level possible. The direct supervisor and employee will document the resolution in writing on the Pre-Filing Informal Meeting Problem-Solving Resolution document, and both the supervisor and the employee will sign the document.

If a resolution is reached, the Grievance is considered resolved and is not subject to reconsideration at a later date, unless the agreed-upon resolution is not implemented. If the Grievance is not resolved at the Pre-Filing Informal Meeting, the employee may file for Problem-Solving. If the employee does not file for Problem-Solving as specified in Section 4.2.2, the Grievance is considered resolved.

5.2 Filing for Problem-Solving

If the Pre-Filing Informal Meeting fails to resolve the Grievance to the employee's satisfaction, the employee may initiate the Problem-Solving Procedure. To initiate the Problem-Solving Procedure, the employee must file for Problem-Solving by submitting the Problem-Solving Form to Human Resources no later than ten (10) University Business Days after the Pre-Filing Informal Meeting.

5.3 Meeting with Associate/Assistant Vice-President, Dean, or Designee

- a. The appropriate Associate/Assistant Vice-President, Dean, or designee must meet with the employee no later than five (5) University Business Days after filing the Problem-Solving Form with Human Resources. The Associate/Assistant Vice-President, Dean, or designee will consult with the employee's direct supervisor to determine who is best able to resolve the Grievance in the meeting with the employee. The Associate/Assistant Vice-President, Dean, or designee will consider the employee's preference as requested in the Problem-Solving Form when deciding who should be in the meeting. This meeting may involve the direct supervisor and any additional individuals who may be helpful in resolving the Grievance(s).
- b. No later than five (5) University Business Days after the meeting, the employee must receive, in writing, a suggested solution from the Associate/Assistant Vice-President, Dean, or

designee The employee must either accept the suggested solution in writing or file for a review to request a final decision.

5.4 Filing for a Review to Request a Final Decision

- a. If a satisfactory resolution is not reached with the Associate/Assistant Vice-President, Dean, or designee, the employee may file for a review by the Vice-President, Provost, President, or designee within five (5) University Business Days of receiving the suggested solution from the Associate/Assistant Vice-President, Dean, or designee. The request for review and final decision must be filed with Human Resources using the Problem Solving Form.
- b. Within five (5) University Business Days of receiving the review request, the Vice-President, Provost, President, or designee must complete the review. The Vice-President, Provost, President, or designee may confer with the direct supervisor; the Associate/Assistant Vice-President, Dean, or designee; the employee; and any others who participated in the Problem-Solving Procedure to determine how best to resolve the Grievance(s) and complete the request for review.
- c. The employee must receive a final decision, in writing, from the Vice-President, Provost, President, or designee within five (5) University Business Days after the review is completed. The Problem-Solving Procedure ends with the final decision of the Vice-President, Provost, President, or designee.

6. Appeal Rights

- a. A final Problem-Solving decision for a Non-Classified/Professional Employee Grievance is not appealable.
- b. Generally, a Classified employee may not appeal the final Problem-Solving decision. However, certain exceptions are outlined in IDAPA 15.04.01.200 under which a Classified employee may appeal the University's final Problem-Solving decision to the Idaho Personnel Commission within thirty-five (35) days of receipt of the final decision.

7. Optional Mediation

The direct supervisor and employee may mutually agree to engage in mediation during the Problem-Solving Procedure. Absent mutual agreement, mediation is not an option. If both parties agree in writing, the other procedural requirements and time limitations (except for the initial ten (10) University Business Days filing requirement) of the Problem-Solving Procedure

are suspended pending mediation. The department and employee must agree upon a mediator. Human Resources will assist by providing mediator names and coordinating this process.

Revision History