



**UNIVERSITY OF MANITOBA  
PROCEDURE**

<b>Procedure:</b>	<b>Appeals by Academic or Support Staff Excluded from Bargaining Units</b>
<b>Parent Policy:</b>	Appeals by Academic or Support Staff Excluded from Bargaining Units
<b>Effective Date:</b>	May 28, 2007
<b>Revised Date:</b>	
<b>Review Date:</b>	May 28, 2017
<b>Approving Body:</b>	Administration: President
<b>Authority:</b>	Policy: Appeals by Academic or Support Staff Excluded from Bargaining Units
<b>Responsible Executive Officer:</b>	President
<b>Delegate: (If applicable)</b>	Vice-President (Administration)
<b>Contact:</b>	Executive Director of Human Resources
<b>Application:</b>	Board of Governors members; Employees: See list

This Procedure applies to the following employee groups excluded from bargaining units as identified in Procedure: Employee Organizations and Employment Groups:

- (a) Executive (Academic and Support Staff);
- (b) Academic and Support Staff as Members of the Board of Governors;
- (c) Senior Administrative Academic Staff;
- (d) Administrative Academic Staff;
- (e) Geographic Full-Time Staff;
- (f) Sessional Professional Academic Staff;
- (g) Research Academic Staff;
- (h) Other Academic Staff;
- (i) Excluded Management, Administrative and Professional Staff;
- (j) Medical Practitioners and Administrators;
- (k) Out of Province Support Staff;
- (l) Excluded Student Support Staff.

## **Part I Reason for Procedure**

To set out the Procedures secondary to the Policy entitled Appeals by Academic or Support Staff Excluded from Bargaining Units

## **Part II Procedural Content**

2.1 Prior to initiating a formal appeal regarding a supervisory decision, a staff member is encouraged to contact a Human Resources Consultant from Human Resources with questions or concerns about the supervisory decision. A “supervisory decision” includes any discretionary act or omission by one or more persons having and exercising authority over a staff member. For greater certainty, it does not include:

- (a) Any act or omission of the Board of Governors or Senate; or
- (b) Failure to re-appoint or grant tenure, extend a term appointment or any action to discontinue a position or terminate employment.

If the staff member remains concerned about the matter he/she shall make all reasonable efforts to discuss his/her concerns with his/her supervisor. Such discussions shall be held as soon as possible following the event giving rise to the concern. In the event that the discussions do not resolve the matter to the satisfaction of the staff member, he/she may initiate a formal appeal at the first step of the appeal procedure.

### 2.2 Step 1

2.2.1 Within twenty (20) working days of the event or supervisory decision giving rise to the concern, the staff member shall provide a written appeal which sets out:

- (a) the administrative action which is the subject of the appeal;
- (b) the action taken to date;
- (c) the manner in which the staff member feels he or she is adversely or personally affected; and
- (d) the remedial action proposed.

2.2.2 An extension of the deadlines to file an appeal may be possible by contacting a Staff Relations Officer from Human Resources.

2.2.3 The staff member shall deliver the written appeal to his or her immediate supervisor with a copy sent to Human Resources, c/o Staff Relations Officer. Prior to responding to the appeal the supervisor shall consult with a Staff Relations Officer, Human Resources. The supervisor shall reply in writing to the staff member who submitted the appeal within five (5) working days of the receipt

of the written appeal. Copies of the reply shall be sent to the Staff Relations Officer.

### 2.3 Step 2

2.3.1 If the staff member is not satisfied with the written decision rendered by the supervisor, the staff member may within three (3) working days from the receipt of the written decision of the supervisor, submit a written appeal to the Executive Director of Human Resources. The Executive Director will arrange a meeting with the staff member, the appropriate Vice-President or his/her designate and any other appropriate participants. The employee may wish to have the assistance of a Human Resources Consultant or another University staff member at the meeting. The purpose of the meeting shall be to inform the appropriate Vice-President so that a final and binding decision can be made. All persons attending the meeting shall receive a copy of the decision of the appropriate Vice-President.

2.3.2 No person may hear an appeal at this stage if he/she has been involved either directly or indirectly, with the decision under appeal.

## **Part III Accountability**

3.1 The University Secretary is responsible for advising the President that a formal review of this Procedure is required.

3.2 The Executive Director of Human Resources is responsible for the implementation, administration and interpretation of this Procedure.

## **Part IV Review**

4.1 Formal Procedure reviews shall be conducted every ten (10) years. The next scheduled review date for this Procedure is May 28, 2017.

4.2 In the interim, this Procedure may be revised or repealed if:

(a) the Vice-President (Administration) or the President deems it necessary;  
or

(b) the relevant Policy is revised or rescinded.

## **Part V Effect on Previous Statements**

5.1 This Procedure supersedes all of the following:

- (a) All previous Board/Senate Procedures, and resolutions on the subject matter contained herein;
- (b) all previous Administration Procedures and resolutions on the subject matter contained herein; and
- (c) Policy 1106 Grievances (dated May 17, 1977);
- (d) Policy 713 Grievances Bylaw (dated April 14, 1987); and
- (e) Bylaw 25.00 Grievances Bylaw (undated).

**Part VI**  
**Cross References**

- 6.1 This Procedure should be cross referenced to the following relevant Governing Documents, legislation and/or forms:
- (a) Policy: Appeals by Academic or Support Staff Excluded from Bargaining Units.