RESOLUTION

SSR 2019/2020-005

I. Resolution Name: Grievance of Termination Policy Removal

II. Committee Assigned/Sponsoring Committee: Policy and Staff Welfare Subcommittee

III. Stated Resolution:

   Be it resolved that the University of Central Oklahoma Staff Senate wishes for the University to keep the Grievance of Termination policy in place.

IV. Definition of Terms:

   Grievance of Termination Policy ID: ADM-HUM-62

V. Justification:

   The UCO General Counsel and Vice President of People and Culture presented to the Staff Senate on May 5, 2020 to advocate for the elimination of the Grievance of Termination policy. As we understand it, there are three main bodies of arguments for eliminating the policy.

   **Reasons for Elimination**

   First, the policy presents an increased risk of litigation and potential increased litigation costs. It opens up the University to an angle of legal argument from a disgruntled former employee. When UCO has a policy that demands certain procedures be followed, an opposing attorney could argue that the University didn’t follow the policy or didn’t follow it well enough. Furthermore, it could stretch out any litigation that does occur since both sides will need to research the policy and compare it to what actually happened via email requests and depositions (both of which take time and money to resolve).

   Second, the policy does not provide significant protection to employees since it is almost never utilized. Since the policy’s inception, only one employee started the Grievance of Termination process, and the issue with the employee was resolved before the Grievance process could conclude. The argument is people don’t know about it and it is seldomly used; therefore, it does not serve its intended function of protection.

   Third, UCO’s employees are already protected by the legal requirements of due process. These protections are embedded in state and federal law. Additionally, UCO’s Corrective Action Guidelines outline the protections that UCO grants to an employee prior to termination. These protections, along with the rules of due process are sufficient protections for UCO employees and thus the Grievance of Termination policy is no longer needed.
Reasons to keep the Policy

The UCO Staff Senate finds these arguments unpersuasive.

First, the increased potential for litigation, from the perspective of an employee, is not necessarily a bad thing. Some staff members will likely benefit from the increased legal risk. Under this policy, supervisors have to be cautious and prudent when terminating an employee. In a perfect world, the “carrot” of UCO policy and human decency would ensure that prudence, but sometimes the “stick” of litigation is necessary to cause supervisors to act correctly. Additionally, the original purpose of this policy seems to have been to reduce litigation as a potential non-legal recourse for terminated employees. This policy has the potential to reduce litigation and should be retained for that reason.

Second, some policies, such as this one, can still be a warning or release valve despite being unknown or underutilized. Like a fire alarm sprinkler system, the Grievance of Termination policy may be completely unused throughout the lifespan of the university, but still serve a purpose as a safety net. Employees and employers alike are protected by an additional layer of UCO policy “just in case.”

Third, based on the Staff Senate’s purpose and commitment to represent UCO’s staff, the Senate will continue to advocate for more employee protections, not fewer. The rules of due process are numerous and complicated to the point where any brief explanation in UCO policy would make dangerous omissions, but even these rules cannot prevent every possible unfair termination. The Grievance of Termination policy has the potential to protect employees beyond the requirements of due process. For that reason, the Senate believes the policy should be retained.

The Staff Senate recognizes that this policy places a workload burden on certain sections of the university (General Counsel and Employee Relations especially); however, when choosing between the competing interests of workload and employee protection, the Staff Senate is obligated to choose the latter.

VI. Office(s) Contacted:

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<tr>
<th>Name</th>
<th>Office/Department</th>
<th>Date Contacted</th>
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<tbody>
<tr>
<td>Kendall Parrish</td>
<td>General Counsel</td>
<td>5/20/20</td>
</tr>
<tr>
<td>Diane Feinberg</td>
<td>VP of People and Culture</td>
<td>5/20/20</td>
</tr>
</tbody>
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VII. Office(s) Affected:
Division of People and Culture; General Counsel

VIII. Directed to:
President, Patti Neuhold-Ravikumar
Diane Feinberg, VP of People and Culture
Kendall Parrish, General Counsel

Passed by consent of the UCO Staff Senate this 2\textsuperscript{nd} day of June, 2020.

Scott DeBoard, Staff Senate President