

# Grievance Policy and Procedures for Employees

## Policy Statement

The University System of Georgia is committed to providing a good working environment for its faculty and staff. Conflicts and disagreements between employees and their supervisors are inevitable. It is the policy of the University System of Georgia to resolve these disputes fairly, and at the lowest possible level. When these conflicts or disagreements occur, employees should first attempt to resolve them through discussion with their supervisor.

## Reason for Policy

This policy reinforces the institution's commitment to provide a safe and amicable workplace for all employees.

## Overview

The policy is intended to provide an avenue for resolution of conflicts at the lowest possible level. Attempted resolution may be addressed through the Grievance/Disciplinary Review Process, if applicable. A grievance or disciplinary review will be available to handle claims that a person has been harmed by any action that violates the policies of either the institution or the Board of Regents of the University System of Georgia ("the Board of Regents") or for requested disciplinary review pursuant to the University System policy, entitled Dismissal, Demotion or Suspension.

## A grievance will not be available to dispute:

- promotion and tenure decisions,
- performance evaluations,
- hiring decisions,
- classification appeals,
- challenges to grades or assessments,
- challenges to salary decisions,
- challenges to transfers or reassignments,
- termination or layoff because of lack of work or elimination of position,
- investigations or decisions reached under the university's Harassment Policy, and normal supervisory counseling.

In addition, these formal procedures will not be available to a student or employee who has chosen to seek relief through a department, school or unit's internal grievance procedure unless such procedure failed to provide a fair and impartial hearing and an adequate mechanism for appeal or review.

## **Process**

### **A classified employee may file a grievance only if:**

- The employee has been suspended; or
- The employee has been discharged; or
- The employee has been demoted, or their salary has been reduced.

### **An employee may not file a grievance, even in the above circumstances, if:**

- The discharge occurred during the six (6)-month provisional period;
- They have been adversely affected by a reorganization, program modification or financial exigency (such employees may apply to the Board of Regents for review);
- The issue underlying the grievance is a charge of discrimination on the basis of race, sex, age, disability or religion. Such charges should be directed to the Affirmative Action/EEO Officer.
- The issues being grieved have been previously heard by an administrative panel at the institution.

## **Definitions**

For the purpose of applying and interpreting this Policy, certain terms shall have the meanings as indicated below:

- "Alternative Dispute Resolution" refers to the use of mediation, facilitated discussion, conflict coaching, or other informal means of resolving a dispute.
- "Conflict" means a state of disharmony between two or more parties.
- "Complainant" means the party that makes a complaint against another party.
- "Dispute" refers to any controversy or debate in the workplace that is serious enough in nature that some resolution is required in order to maintain efficiency and civility.
- "Employee" means any GC full time or part time faculty or staff eligible to receive employment benefits through the University System of Georgia.
- "Formal Grievance" means the written filing of a complaint which results in the use of a Grievance Panel to resolve the dispute
- "Grievant" means the eligible employee who initiates an informal or formal grievance process.
- "Informal Grievance" shall be deemed to refer to a complaint being made by any means other than a formal grievance, indicating the desire of the complainant to resolve the dispute without the use of a Grievance Panel.
- "Party" means a person involved in a dispute.
- "Witness" means a person who can give a firsthand account of something.

## **Procedures**

Conflicts sometime arise in the relationship between the University, as an employer, and its employees. Both the employee with a grievance and the University benefit when the University responds to grievances promptly and fairly.

Grievances of discrimination and harassment will be referred to the Chief Human Resources Officer and will be investigated in accordance with university procedures.

All employees shall receive fair and equitable treatment at Georgia College. In keeping with the spirit of collegiality, the goal is to resolve an employee complaint or grievance promptly and fairly and if possible through communication between the parties directly involved in the complaint. This is consistent with our philosophy of building an environment that is fair and equitable and supports and values open communication at all levels. The grievance procedures at Georgia College consist of three parts:

1. Informal Grievance/Complaint Resolution Procedures
2. Alternative Dispute Resolution (Mediation or Facilitated Discussion)
3. Formal Grievance Procedures

### **Informal Grievance/Complaint Procedures**

1. The employee will seek to resolve the grievance/complaint with the immediate supervisor or a first line manager consistent with our practice of resolving disputes at the lowest possible level in the organization. These discussions should be confidential. Verbal or written statements are an acceptable means of requesting a meeting during the informal grievance/complaint process.
2. If the grievance/complaint involves the immediate supervisor, the employee and/or the supervisor, shall have the option of having a confidential discussion, and/or shall be given an opportunity to have another employee, peer or human resources representative present as a neutral observer. If the grievance/complaint remains unresolved, the employee may then seek to resolve the grievance/complaint at each level of supervision.
3. If the grievance is not resolved or if circumstances of the grievance prevent the employee from using the above mentioned steps, the employee may present the grievance to the Assistant Director of Employee Relations at any time during the informal grievance/complaint process.

The Assistant Director of Employee Relations shall meet with the employee and the supervisor and others as appropriate, in an attempt to resolve the informal grievance/complaint.

1. If the complaint involves accusations or appearances of discrimination the Assistant Director of Employee Relations will immediately contact the HR Generalist of Employee Relations.
2. At any time during the informal grievance/complaint process an employee may choose to pursue mediation or a formal grievance, keeping in mind the alternatives to the formal process.

## **Mediation and/or Facilitated Discussion Procedures**

If all reasonable informal efforts to resolve the complaint do not result in resolution, or at any time during the complaint process the employee or supervisor feels mediation might be an option, they are encouraged to consider mediation to resolve the conflict.

### **What is Mediation?**

Mediation is an informal process that involves a trained facilitator who will assist in effecting a voluntary resolution of the dispute/complaint. The objective of a mediation or facilitated discussion process is to come to an agreement that is fair and meets the needs of the parties involved in the conflict. The process is confidential and is conducted in a confidential setting. Georgia College and the University System of Georgia maintain a list of trained mediators.

Mediation does not waive the rights of any aggrieved party to seek resolution of his/her grievance through formal avenues. Mediation is a cost effective, voluntary, fast and efficient way to resolve grievances; it encourages reaching a mutually acceptable resolution.

### **Steps for Mediation**

1. If one or both parties are interested in pursuing mediation or facilitated discussion as an option, they should contact the Assistant Director of Employee Relations.
2. Both parties involved in the complaint/dispute must agree to voluntarily request mediation.
3. If the parties agree and an internal GC trained mediator(s) can be utilized, the Assistant Director of Employee Relations will arrange the time and location for the mediation or facilitated discussion.
4. Every attempt will be made to arrange for the mediation/facilitated discussion within ten (10) working days of the request. Requests for an external mediator will take additional time to coordinate.
5. The mediator will facilitate the discussion between the disputing parties to help find a mutually agreeable solution to the conflict. The mediator will not impose a solution.
6. At any time during the mediation process either with or without reaching an agreement the employee can file a formal grievance.

### **Formal Grievance Procedures**

Faculty or staff employees may pursue resolution of their grievance/complaint through a formal grievance process. The following procedures will be in place to provide the framework and process to resolve formal grievances:

1. The Assistant Director of Employee Relations will serve as the grievance coordinator and has the responsibility of managing the expeditious and fair resolution of grievance hearings. The main role of the Assistant Director of Employee Relations is to assist the parties, the grievance chairperson, and grievance panel in administering procedures. If the complaint involves accusations or appearances of discrimination, including but not

limited to sexual harassment, or involves Human Resources personnel, the Assistant Director of Employee Relations will immediately contact the General Counsel for Legal Affairs to determine the next steps.

2. The request for a grievance hearing must be filed with the Assistant Director of Employee Relations within ten (10) working days of the event that has given rise to the complaint. GC encourages the use of our informal procedures as a means of resolving conflict therefore; if mediation is selected as a means to informally resolve the dispute, the Assistant Director of Employee Relations, in consultation with the complainant and the Office of Legal Affairs, will extend the time for the submission of the written grievance request up to ten (10) working days following the completion of the mediation process.
3. To initiate a formal grievance hearing, the complainant is required to prepare and submit a Grievance Request Form to the Assistant Director of Employee Relations to ensure the Grievance Panel will address the specific issues that concern the complainant. The Grievance Request Form can be obtained from the Assistant Director of Employee Relations. Human Resources staff members are available to assist the complainant in completing the form upon request. The information listed below should be included to ensure that the complainant identifies all the issues and facts. The form must include:
  1. The complainant's name, and job title;
  2. The department/unit in which the complainant is employed;
  3. The nature of the problem or complaint;
  4. The communication that has taken place between the complainant and his or her academic department head, supervisor, and/or second level supervisor concerning the matter;
  5. The supervisors and/or superiors responsible, if applicable;
  6. The reason why the complainant disagrees with that response;
  7. The complainant's suggestion for proper resolution of the matter or remedy sought;
  8. Identification of any witnesses who may have relevant information regarding the complaint; and
  9. Identification of any previous recommendations to resolve the issue.
4. The Assistant Director of Employee Relations shall, within ten (10) working days of receipt of the grievance, meet with the grievance panel Chairperson to present the grievance. The grievance panel Chairperson shall determine and respond in writing to the complainant as to whether the grievance is eligible for review by the grievance panel within ten (10) working days of receipt of the grievance from the Assistant Director of Employee Relations. (See establishment of grievance panel below.)
5. If the grievance is accepted for review, the Chairperson will instruct the parties as to the procedures to be followed in selecting the members of the panel and in conducting the hearing.
6. If the grievance is not accepted for review, the Chairperson will inform the complainant in writing. The complainant may then request a review by the full grievance panel (faculty or staff, as applicable) within five (5) working days following the Chairperson's decision. The full grievance panel will render a final decision within five (5) working days following receipt of the request for review. If the panel, by simple majority, upholds the original decision of the Chair, the complainant and other involved participants will be

notified and reasons given. If the panel agrees to hear the grievance, the process continues in the same manner as if the Chairperson had accepted the grievance, and the Chair will have the grievance panel selected as described below within five (5) working days following the panel's decision.

7. At any time during the formal grievance process the employee may choose to resolve the complaint/conflict through mediation. In this event the grievance process will be suspended pending completion of the mediation process.

### **Establishment of the Grievance Panel**

The Grievance panel shall provide a means to hear the complaints of university employees who have exhausted other channels but who have not received satisfaction. There will be a fourteen (14) member faculty grievance panel appointed by the President and charged with hearing faculty grievances. At least seven of the members will be tenured faculty. There will also be a fourteen (14) member staff grievance panel appointed by the President to hear staff grievances. The President will also appoint two tenured faculty members to serve as Chair and Vice Chair for both faculty and staff grievances.

The grievance panel will be selected by the end of September of the fall term of odd calendar years. The newly elected members will meet within four weeks following the election. Training will be provided by the General Counsel and/or the Chief Human Resources Officer to all grievance panel members once the election is complete.

### **Eligibility of Service of Grievance Panel**

With the exception of the Chief Human Resources Officer, Assistant Director of Employee Relations, General Counsel of Legal Affairs, Vice Presidents and the President, all regular employees with at least 2 years of continuous service at GC are potential Grievance or Review Board Members. Employees' names shall be removed from the pool if:

1. Employment terminates
2. An employee is a grievant
3. An employee is named or otherwise directly involved in the grievance

### **Selection of Grievance Hearing Panel**

Each Grievance Hearing Panel shall consist of the Chair, non-voting, and three (3) voting members chosen from a panel of fourteen faculty or staff members. The Chair shall set up a meeting with both parties. In the presence of the Chair each party will strike the names of one (1) person from the Grievance Panel list. The parties shall alternate in exercising their strikes, beginning with the grievant, until three (3) members remain. The three (3) members shall constitute the Grievance Hearing Panel who will hear the grievance. It is anticipated that this "striking" process will be completed within five (5) working days following the decision by the Chair to review the case.

In the event a grievance is filed that involves faculty and staff, the panel will consist of three (3) voting faculty members and three (3) voting staff members. The grievance chair will represent the deciding vote if the outcome of the vote results in a split decision.

### **Excusing Grievance Hearing Panel Members**

Grievance Panel members who are drawn as possible grievance hearing panelists may be excused by the Grievance Chair upon request if:

1. There is a bona fide conflict of interest between the hearing panel member and either of the parties of the grievance;
2. The potential hearing panel member is ill.
3. Service on the hearing panel should be excused for good cause shown such as, but not limited to, conferences, job responsibilities, family illness, etc.

### **Removal of Grievance Hearing Panel Members for Cause**

A party may present a request, in writing, at least three (3) working days in advance of any hearing, to the Chair, to remove any member of the grievance panel for reasonable cause. If the Chair grants the request, he or she shall fill the vacancy from the alternate members appointed by the President. In addition, the Chair may, on his or her own motion, remove any member for reasonable cause and replace the member with an alternate member.

### **Notice to Parties and Grievance**

After the grievance hearing panel (three members) has been selected, written notice of the time and date set for the hearing shall be hand delivered to the parties and to the members of the grievance hearing panel by the Chair no less than ten (10) working days before the scheduled date of the hearing. The Chair should coordinate meeting participation with the selected hearing panel members and parties prior to the delivery of the written meeting notice.

### **Duties of the Chair**

The Chair of each grievance panel shall not vote but shall be responsible for the conduct of the hearing and implementation of the grievance procedures. The Chair's duties include the following:

- Assuring that all parties are familiar with the grievance procedures.
- Consulting with the Chief Human Resources Officer and General Counsel for Legal Affairs to determine if the grievance should be heard by the grievance panel.
- Notifying the grievant and other parties in writing as needed regarding the status of the grievance.
- Assuring that the grievance/complaint has been submitted as outlined above.
- Following all time and communications responsibilities as outlined in the review or grievance process.

If it is determined that there is a conflict of interest for the Chair on a specific grievance hearing, the Chair will be removed from the process and the Vice Chair will facilitate the process.

### **Hearing Procedures**

- The hearing before the grievance panel shall be conducted in a confidential setting. The parties have the right to select one (1) person to attend as an observer.
- The grievant may select an advisor to assist at the hearing, and the advisor may participate in the hearing in an advisory capacity only, this includes an attorney.
- The Chief Human Resources Officer and General Counsel for Legal Affairs will assist the Hearing Chair.
- The hearing will be recorded.
- The Office of Human Resources will supply the tapes and recorders for the hearing. The tape recordings of the proceedings shall be kept within a secured area in the Office of Human Resources and will be available to the parties at cost.
- The parties shall have the right to cross examine all witnesses. Should a witness be unable to appear because of illness or other cause acceptable to the Chair, a sworn statement or affidavit of the witness may be introduced into the record.
- An affirmation shall be administered to all witnesses by a notary public.
- The panel will not be bound by strict rules of legal evidence. It may receive any evidence deemed by the Chair to be of value in determining the issues involved.
- Within fifteen (15) working days following the conclusion of the hearing, the panel shall state its finding in writing based on the evidence introduced at the hearing.
- The Chair will report the findings in writing to the relevant Vice President acting as the designee of the President. In the event the complaint involves a Vice President the panel's findings will be reported to the President.
- Confidentiality of the hearing shall be preserved by the grievance hearing panel members.

### **Grievance Panel Recommendations to the Vice Presidents/President**

Any findings and recommendations made by the hearing panel shall be provided to all parties and to the appropriate Vice President and are advisory only. The Vice President will render a final decision within ten (10) working days of receiving the panel's recommendation. The Vice President reserves the right to return the grievance to the grievance hearing panel for further consideration. If the Vice President is directly involved in the grievance/complaint or in cases where the Vice President's role is a conflict of interest, the grievance panel recommendation will be submitted to the President for final decision as outlined above.

The Vice President's final decision may be appealed to the President in writing within twenty (20) days following the decision of the Vice President. The President's decision will be rendered within ten (10) working days and can be appealed to the Board of Regents by requesting a hearing with the Board of Regents within twenty (20) days following the decision of the President. The request for a hearing is sent to the Board of Regents, Office of Legal Affairs in accordance with Article VIII of the BOR bylaws. The complainant should contact the Office of



Human Resources or the GC Office of Legal Affairs for further information on how to appeal to the Board of Regents.

### **Time Limits**

The time limits as described in this formal grievance procedure are advisory and may be waived or extended by consent of both parties, or by authority of the President or his/her designee, to permit mediation or any other informal process or due to extenuating circumstances.

### **Related links:**

- [USG Employee Relations Policy](#)
- [Grievance Hearing Form](#)