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CONSOLIDATED GRIEVANCE PROCEDURES

Georgia Southern University

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CONSOLIDATED GRIEVANCE PROCEDURES

Policy

Georgia Southern University is committed to prompt and fair resolution of the concerns of students, faculty, and classified employees. Georgia Southern University does not discriminate on the basis of race, religion, national origin, sex, age, sexual orientation, disability, or veteran status in its recruitment, admissions, employment services, practices, programs, or activities.

The informal review process, mediation, and formal institutional level Consolidated Grievance Panel review process described below have been formulated to ensure fairness and consistency in the University's relations with its students, faculty, and classified employees. No person's status with Georgia Southern University shall be adversely affected in any way as a result of using these procedures, nor shall any retaliatory actions taken against a person using these procedures be tolerated.

Purpose of Consolidated Grievance Procedures

The purpose of the University Consolidated Grievance Procedures is to assure that complaints are resolved at the institutional level. In addition, the procedures in this document assure an immediate attempt to resolve informally all types of grievances at the level where they occur and, when requested, to assure an administrative review at the unit, college/division, and university level. The use of mediation as a means of resolving conflict is strongly encouraged when appropriate. Grievances alleging discrimination or abridgement of academic freedom and involving non renewal of a faculty contract or termination of a classified or student employee will be dealt with as expeditiously as possible. Appeals of the President's decisions, when requested, may be directed to the Board of Regents for a final review.

Unresolved student complaints on academic matters, except academic freedom, are handled through appropriate channels and are subject to these procedures only when an allegation of discrimination based on race, color, religion, national origin, sex, age, sexual orientation, disability, or veteran status is involved.

General Information

These procedures assure that any person within the University community who has a grievance will have access to an internal process which provides elemental fairness to the parties involved and which has, as its objective, the resolution of the grievance.

Nothing in these procedures should be interpreted as providing a forum for an institutional-level hearing before the Georgia Southern University Consolidated Grievance Panel on matters involving the exercise of the legitimate discretionary authority of administrators, supervisors, or faculty, except where it is alleged that some unlawful discriminatory factor has influenced the exercise of such authority, or where it is alleged that academic freedom has been violated. The procedures should not be interpreted as a means to eliminate or weaken the responsibility of persons who have first-level supervisory or administrative duties from attempting immediate and impartial resolution of grievances that develop within their area of leadership.

The formal procedures will be used only after the aggrieved party has exhausted the official informal procedures in attempting to resolve his or her grievance.

The procedures do not in any way impair the right of aggrieved parties to seek resolution of their grievances, either through the courts, or through agencies of the State or Federal government within limits imposed by the concurrent jurisdiction of the University System of Georgia Board of Regents and other agencies of the State of Georgia.

Types of Complaints Appropriate for Formal Review Using the Consolidated Grievance Procedures

1. Complaints of alleged discrimination under
 - ! Executive Order 11246/Revised Order No. 4
 - ! Titles VI and VII of the Civil Rights Act of 1964 (as amended)
 - ! Title XI of the Education Amendments of 1972
 - ! Equal Pay Act of 1963
 - ! Age Discrimination in Employment Act of 1967
 - ! Sections 503 and 504 of the Rehabilitation Act of 1973
 - ! Vietnam Era Veterans Readjustment Assistance Act of 1974
 - ! Americans with Disabilities Act of 1990

Any student, faculty member, or classified employee who believes that he or she has been discriminated against on the basis of race, color, religion, national origin, sex, age, sexual orientation, disability, or veteran status is encouraged to utilize the University's informal and formal procedures, stated herein, for resolution of his or her complaint.

2. Complaints alleging deviation from official University policy.
3. Employment-related grievances by faculty, classified employees, and student employees.
4. Complaints alleging abridgement of academic freedom.

INFORMAL PROCEDURES:

Initiating A Complaint and Resolution At The Unit/College/Division Level

Role of Resource Officials

Students, faculty, and classified employees are encouraged to utilize the steps below in the attempt to resolve a complaint. However, complainants may choose to direct their initial complaint to the appropriate Resource Official who may assist the complainant in working with the appropriate person(s) for resolution of a complaint.

Students, faculty, and classified employees alleging discrimination on the basis of protected class grievances such as race, color, religion, national origin, sex, sexual orientation, age, disability or veteran status may contact the Georgia Southern University Director of Affirmative Action (Resource Official) for information and discussion of their complaint and assistance in seeking resolution. Persons having complaints regarding the institution's failure to accommodate a disability under the Americans with Disabilities Act (ADA) may contact the ADA Coordinator (Resource Official) for discussion and assistance in seeking resolution.

In addition, for general employment issues, the Director of the Division of Human Resources serves as a Resource Official and may be contacted to assist the complainant in working with the appropriate person(s) toward resolution of a complaint.

The Director of Affirmative Action, the ADA Coordinator, and the Director of Human Resources serve as Resource Officials to the President, Vice Presidents and other administrators on campus.

How to Initiate and Resolve a Complaint

Regardless of the initial contact with a Resource Official or other campus administrator, the aggrieved individual should address the complaint at step 1.

- Step 1.** The aggrieved individual addresses the complaint to instructor, chair, employee, or immediate supervisor as the first step in seeking to resolve a complaint. When the complaint involves alleged sexual harassment or discrimination based on race, religion, national origin, sex, sexual orientation, age, disability, or veteran status (protected class grievances) that identifies the first line supervisor, chair, or complainant's instructor as the person complained about, the complaint shall be presented to the person next in the line of supervision.
- Step 2.** If this initial contact does not serve to resolve the matter, the complaint shall then be referred to the appropriate next level of administration for review.
- Step 3.** Complaints that cannot be resolved shall be submitted to the Vice President who has administrative responsibility for the employee identified by the complainant. The Vice President shall attempt to achieve an informal settlement.

Vice President's Responsibilities

Upon receipt of an unresolved complaint the appropriate Vice President shall:

- Step 4.** Ensure that the complainant has a copy of the University Consolidated Grievance Procedures and the Faculty Grievance Procedures if the complainant is a faculty member.
- Step 5.** Consult with the appropriate Resource Official(s).
- Step 6.** In the case of students and classified employees and in conjunction with Resource Official(s) as appropriate, the Vice President and the complainant will determine the process to be followed in an attempt to resolve the grievance informally. Typically, this process includes a discussion between the Vice President and the complainant in an attempt to resolve the issue. Other processes that may be used by the Vice President include a trained mediator and/or ad hoc administrative review committee. The Vice President and the complainant will agree upon the manner and frequency of reports from the Vice President to the complainant regarding the status of the Vice President's activity regarding the complaint.

In the case of a faculty complaint:

Prior to considering the complaint, the Provost (Provost and Vice President for Academic Affairs) will meet together with the complainant and the chair of the Faculty Grievance Committee (FGC), or a member of the FGC designated by the chair. The purpose of this meeting will be to establish the path to be followed to resolve the complaint. It is the faculty member's decision, at this point, whether the complaint will be taken to the FGC or not. If the complaint is taken to the FGC and accepted by that committee for their review then the process as outlined in the Faculty Grievance Procedures is followed and culminates in a report to the Provost.

If the FGC does not accept the complaint for review, then the complaint is returned to the Provost for action. If the faculty member does not desire for the complaint to be reviewed by the FGC, then the Provost will act on the complaint. Typically, this process includes a discussion between the Vice President and the complainant in an attempt to resolve the issue. Other processes that may be used by the Provost include a trained mediator and/or ad hoc administrative review committee. The Provost and the complainant will agree upon the manner and frequency of reports from the Provost to the complainant regarding the status of the Provost's activity regarding the complaint. The Provost will not both render an administrative decision on the complaint and then reconsider the complaint after receiving the report of the FGC.

The Provost will consider the complaint only once.

- Step 7.** The Vice President renders a decision.

- Step 8.** If this decision (Step 7) does not result in a settlement of the grievance, the Vice President who attempted to resolve the complaint shall refer the complainant to the President.
- Step 9.** The Vice President briefs the President and the appropriate Resource Official(s) on the status of the complaint.
- Step 10.** The complainant may appeal the decision of the Vice President to the President.
- Step 11.** If the complainant appeals to the President then one and only one of the following two paths of attempted resolution (A. or B.) will be followed based upon the desire of the complainant.
- A. The complainant follows the procedures for a formal hearing before a Consolidated Grievance Panel.

OR

- B. The complainant requests that the complaint be considered as an administrative appeal to the President and the President will render an administrative decision.

The President will encourage the complainant to consider mediation. Upon receipt of the appeal, the President will request that the complainant consider the paths of appeal at the Presidential level and notify the President in writing of the path of appeal desired. The appropriate Resource Official(s) may, at the request of the complainant, assist the complainant in drafting the formal complaint. According to the desire of the complainant, the President will conduct an administrative review of the complaint or forward the complaint to the Coordinator of the Consolidated Grievance Procedures who will initiate the Consolidated Grievance Formal Hearing process.

The President will consider the complaint only once. Should the complainant select an administrative review by the President, the complainant and President will agree upon a date when the complainant may expect a decision from the President. Appeal of the President's decision to the Board of Regents of the University System of Georgia within twenty (20) working days of receipt of written notification by the President. Instructions for complying with the Regents' appeal policy will be outlined in the President's decision.

FORMAL PROCEDURES:

Hearing Before a Consolidated Grievance Panel

Types of Complaints That Are Not Appropriate for Formal Review Using the Consolidated Grievance Procedures [except when such decisions are alleged to be unlawful discrimination or infringement of academic freedom]:

1. the legitimate exercise of judgment by employment supervisors
2. student challenge to faculty assignment of a grade
3. the protest of decisions pertaining to promotions or pay levels, or other non-arbitrary decisions made in the exercise of legitimate discretionary authority

All grievances of students, faculty, and classified employees which cannot be resolved through informal efforts, and which fall within the subject matter jurisdiction of the Georgia Southern Grievance Procedures shall be referred, if the complainant so chooses, by the President to the University's Consolidated Grievance Coordinator. Upon receipt of the written formal complaint, the University Consolidated Grievance Coordinator shall administer the formal procedures. The Consolidated Grievance Coordinator is appointed by the President on an annual basis, following consultation with the Faculty Senate, the President's Advisory Committee, and the Executive Planning Council. The duties of the University Consolidated Grievance Coordinator are briefly described below with more detail provided within the remainder of this document.

- ! maintains the Consolidated Grievance Pool list of hearing officers
- ! receives the written complaint statement from the President
- ! notifies the appropriate Vice President of a formal complaint
- ! refers the complaint to the respondent
- ! refers the Consolidated Grievance Pool list to both the complainant and respondent for selection of a Panel
- ! excuses Panel members selected by either party if there is suitable justification
- ! randomly selects Panel members if either the complainant or respondent has not selected them within the time frame
- ! arranges the time, place, and availability of taping equipment for the formal hearing before the Panel
- ! assures that all materials submitted are available to all appropriate persons in advance of the formal hearing
- ! presents the President's charge to the Consolidated Grievance Panel and its selected Chair

- ! assists the Consolidated Grievance Panel Chair in contacting requested witnesses and gathering requested information
- ! maintains and archives all tapes and records of the formal hearing

Information and Guidelines Concerning the Formal Hearing

The University's formal grievance procedure involves a hearing before a Grievance Panel of five (5) individuals selected from the Grievance Pool of hearing officers.

- ! Hearings are closed and may be attended by only the essential parties and persons called by the essential parties during those persons' testimony.
- ! Parties may be accompanied by legal counsel or other advisor but the role of advisors shall be limited to advising their clients.
- ! Legal counsels or other advisors may not address the Panel, register objections, or participate directly in the proceeding.
- ! All meetings of the Panel shall be tape recorded.
- ! Tapes and records of the hearings shall be deemed confidential but are subject to disclosure under the Georgia Open Records Act. Tapes and records will be retained by the Consolidated Grievance Coordinator for one (1) year from the date the complaint was resolved; after that they may be transferred to the University Archives, to be retained for nine years, and then destroyed.
- ! Any University student, faculty member, or classified employee who is requested to submit information in connection with a formal hearing shall submit the requested information within five (5) working days of the Grievance Panel's request. If it is impossible to comply with such request for information within the five-day period, the student, faculty member, or classified employee shall notify the Chair of the Consolidated Grievance Panel of the reason for delay and estimate the time necessary for compliance with the request. Additional time for submission of the requested information shall be given at the discretion of the Panel.
- ! At the formal hearing the University Consolidated Grievance Coordinator will give a charge that has been developed by the President and addresses issues of the complaint to the Consolidated Grievance Panel. The hearing is conducted by the Consolidated Grievance Panel Chair. Both the complainant and respondent may present information pertaining to the case. A Panel report rendering its findings shall be forwarded to the University Consolidated Grievance Coordinator within ten (10) working days after the final meeting of the panel. A full explanation of the formal hearing procedures follows below.

- ! Procedures for the selection of a Consolidated Grievance Panel are outlined on page 6.
- ! Information concerning the composition and constitution of the Consolidated Grievance Pool of hearing officers is found on pages 7 and 8.

Preparation and Activities for Hearing Before a Consolidated Grievance Panel

It should be noted that nothing set forth here should be viewed as precluding an informal resolution, which is possible at any time prior to the issuance of a finding following the formal hearing.

- A. The Complainant submits a notarized statement of complaint to the University Consolidated Grievance Coordinator which includes the following information:
 - 1. Name of complainant
 - 2. Name of the respondent(s)
 - 3. Conduct complained of (explanation of complaint), and
 - 4. Redress sought
- B. The University Consolidated Grievance Coordinator receives the formal written complaint and refers the complaint, within two (2) working days, to the respondent named in the complaint; concurrently, the Consolidated Grievance Pool list should be referred to both the complainant and the respondent.

The complainant and respondent have three (3) working days, after the receipt of the Grievance Pool list, to select their respective Panel members. (See section C *Consolidated Grievance Panel Selection*.) The unavailability of the respondent or complainant due to absence from campus may be considered in establishing the time line.

- C. Initiation of Formal Hearing before a Consolidated Grievance Panel
 - 1. The Consolidated Grievance Coordinator will proceed to make all arrangements for a formal hearing before the Georgia Southern Consolidated Grievance Panel and assure that all materials submitted are available to the complaining party, the respondent, the appropriate Vice President(s), and the Consolidated Grievance Panel in advance of the formal hearing.
 - 2. During regular sessions of the University, the initial meeting of the Grievance Panel should be no later than ten (10) working days from the date of appointment of the Consolidated Grievance Panel.

Steps in the Selection of a Consolidated Grievance Panel

A grievance panel shall consist of five (5) individuals selected from the University's Grievance Pool hearing officers for the purpose of hearing the complaint presented.

Consolidated Grievance Panel Selection:

- A. Within two (2) working days of receipt of the formal complaint the Consolidated Grievance Coordinator shall forward the list of Consolidated Grievance Pool hearing officers to the complainant and to the respondent(s). The complainant and the respondent(s) shall select panel members, within three (3) working days, as follows:
- ! The complainant selects two (2) panel members
 - ! The respondent(s) select two (2) panel members
(When more than one respondent is named, the respondents shall confer and collectively select the two panel members.)
 - ! The fifth member shall be selected by the four (4) selected Grievance Panel members from the EEO job category of the respondent. This individual shall serve as chair of the Grievance Panel. If the four members cannot agree upon the fifth member, the Consolidated Grievance Coordinator shall randomly select the fifth member from the remaining pool of hearing officers from the respondent's EEO job category. In this case, the Grievance Panel of five will elect the chair.
- B. If either side fails or refuses to name members of the panel within three (3) working days, the Consolidated Grievance Coordinator shall randomly select two persons from the same EEO job category as the party who fails or refuses to select Grievance Panel member(s).
- C. Each party, if the party has not refused to select Grievance Panel members, shall have one opportunity to challenge panel members selected through the above steps. Those challenged shall be replaced through the above steps.

Exceptions

- ! Hearing officers selected as members of the Consolidated Grievance Panel who believe their impartiality or ability to render an objective judgment might be in question may ask to be excused from service.
- ! In addition, persons may be excused from service because of illness, scheduled travel, or other acceptable circumstances which, in the sole discretion of the Consolidated Grievance Coordinator, would delay completion of the process.

Conduct of the Hearing

- A. Upon convening the Consolidated Grievance Panel, the University Consolidated Grievance Coordinator will first give a brief charge to the Panel, specifying the allegations and summarizing the applicable laws and/or University policy. The meeting will then be turned over to the Grievance Panel chair, who will preside over all the meetings of the Panel until the review is completed.

- B. At the initial meeting of the Consolidated Grievance Panel, both the complainant and the respondent(s) shall have the opportunity to present information pertaining to the case and to question the opposing party consistent with the rights of due process.
- C. Parties may present testimony of witnesses, documents, or other forms of evidence to support their positions. Employees participating in such hearings will be asked to affirm that the information provided must be accurate to the best of their knowledge. Traditional civil rules of evidence concerning admissibility will not apply. However, every possible effort will be made by the Grievance Panel to obtain the most reliable evidence. The Grievance Panel, with appropriate advice, is the final authority on the admissibility and reliability of evidence.
- D. All interviews with witnesses will take place in the presence of the full Panel and will be tape-recorded.
- E. If at the conclusion of the initial meeting the Panel believes that it needs to hear other witnesses or obtain additional information, additional meetings may be scheduled. The Consolidated Grievance Coordinator shall assist the Panel in obtaining the requested additional information.
- F. Any subsequent meetings that are deemed appropriate by the Panel should be scheduled within five (5) working days of the initial meeting.
- G. When the Panel has heard the case of both parties and has obtained any additional information necessary to reach a finding, consistent with its charge, the Panel shall prepare a report of its findings and conclusions for resolution of the grievance. If a consensus cannot be reached by the Panel, majority and minority reports shall be prepared.
- H. The written report shall be submitted to the President, and a copy submitted to the Consolidated Grievance Coordinator, within ten (10) working days after the final meeting of the Panel. The President will review the Panel report, consult with University officials as appropriate, and render a decision for the institution within ten (10) working days.
- I. Appeal of the President's decision based on a hearing before the Georgia Southern University Consolidated Grievance Panel is to the Board of Regents of the University System of Georgia within twenty (20) working days of receipt of written notification by the President. Instructions for complying with the Regents' appeal policy will be outlined in the President's decision.

Consolidated Grievance Pool

Composition

All administrators, faculty, and classified employees shall serve as a pool of potential hearing officers. Only regular and full-time faculty and classified employees with a minimum of three years service will be eligible to serve. Members of the Faculty Grievance Committee and faculty holding one-third or more administrative assignment shall not be members of the Faculty pool. Persons from the seven (7) EEO job categories listed below and student hearing officers comprise the grievance pool:

! Executive/Administrative/Managerial (includes persons who are identified as Administrative Officers)

! Faculty holding non-administrative positions (Academic department chairs or other individuals who are one third or more on administrative time are categorized as executive/administrative/managerial and are not considered part of the faculty pool).

Any full-time regular faculty member who will have completed a minimum of three years as a full-time faculty member at Georgia Southern at the time is eligible for possible service on the Consolidated Grievance Panel. Members of the Faculty Grievance Committee may not serve on a Grievance Panel.

! Professional Non-faculty

! Clerical/Secretarial

! Technical Paraprofessional

! Skilled Crafts

! Service Maintenance

! Student hearing officers: The Student Government will provide a list of potential hearing officers from enrolled full-time students.

Any member of the Grievance Pool who is selected and serves as a hearing officer on a Grievance Panel may resign after the completion of service on a Grievance Panel.

The Georgia Southern University Consolidated Grievance Procedures were approved by the Faculty Senate on May 24, 1995.

The Georgia Southern University Consolidated Grievance Procedures were approved by the Personnel Advisory Committee on September 14, 1995.