

COLUMBUS STATE UNIVERSITY

Policy Name:	Staff Grievance Policy
Policy Owner:	Vice President of Business and Finance
Responsible University Office:	Office of Human Resources
Effective Date:	February 12, 2020
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Related Policies:	BOR Grievance Policy

I. Policy Statement

The University System of Georgia and Columbus State University (CSU) 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 and Columbus State University 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.

II. Reason for Policy

This policy reinforces Columbus State University's commitment to providing a safe and amicable workplace for all employees.

III. Definitions

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

1. **Alternative Dispute Resolution** - Refers to the use of mediation, facilitated discussion, conflict coaching, or other informal means of resolving a dispute.
2. **Board of Regents** - The governing body of the University System of Georgia.
3. **Conflict** - A state of disharmony between two (2) or more parties.
4. **Complainant** - The party that makes a complaint against another party.
5. **Dispute** - 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.
6. **Formal Grievance** - The written filing of a complaint which results in the use of a University Grievance Panel to resolve the dispute.
7. **Grievance Panel** - Consists of members selected from the Grievance Panel Pool to hear a specific case and make recommendations for action on a specific case.
8. **Grievance Panel Pool** - A group of employees who have undergone formal training in the grievance hearing process and who are eligible for selection to serve on a Grievance Panel.

9. **Grievant** - The eligible employee who initiates an informal or formal grievance process.
10. **Informal Grievance** - Refers 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 University Grievance Panel.
11. **Mediation** - A form of alternative dispute resolution whereby a trained third party assists parties in resolving a dispute. Other forms of alternative dispute resolution include facilitated conversations, where many of the processes of mediation are used without the typical structure of mediation.
12. **Party** - A person involved in a dispute.
13. **Staff Employee** - Any CSU regular full time or part time staff member who does not hold a faculty appointment and is eligible to receive employment benefits through the University System of Georgia.
14. **Witness** - A person who possesses firsthand knowledge of something based on personal observation or experience.

IV. Process and Circumstances under Which Grievances May Be Filed

A staff employee may file a grievance only if:

1. The employee has been suspended; or
2. The employee has been discharged; or
3. The employee has been demoted, or their salary has been reduced.

A staff employee may ***not*** file a grievance in accordance with this policy, even in the above circumstances, if:

1. The discharge occurred during the six (6)-month provisional period;
2. They have been adversely affected by a reorganization, program modification, or financial exigency (instead, such employees may apply to the Board of Regents for review in accordance with USG policies [8.5.2](#) and [6.26](#));
3. 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 Department of Human Resources;
4. The issues being grieved have been previously heard by a Grievance Panel at the institution;
5. The grievant is a faculty member.
 - i. Faculty members must follow the grievance policy outlined in [Section IV.3.A of the Faculty Handbook](#).

V. Procedures to Implement Policy

A. Formal Grievance Procedures

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 Director of Human Resources 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 Director of Human Resources is to assist the parties, the Grievance

- Panel Chair, and the Grievance Panel in administering procedures;
2. The request for a grievance hearing must be filed with the Director of Human Resources within ten (10) working days of the event that has given rise to the complaint. CSU encourages the use of our informal procedures as a means of resolving conflict; therefore, the Director of Human Resources, in consultation with the complainant, can extend the time for the submission of the written grievance request up to five (5) working days following a request from the grievant;
 3. To initiate a formal grievance hearing, the complainant is required to submit a written request to the Director of Human Resources to ensure the Grievance Panel will address the specific issues brought forth by the complainant. Human Resources staff members will be available to assist the complainant in submitting the grievance for consideration. The information listed below should be included to ensure that the complainant identifies all the issues and facts.

The written request should include:

- i. The complainant's full name and job title;
 - ii. The department/unit in which the complainant is employed;
 - iii. The nature of the problem or complaint;
 - iv. The communication that has taken place between the complainant and his or her department head, supervisor, and/or second level supervisor concerning the matter;
 - v. The supervisors and/or superiors responsible, if applicable;
 - vi. The reason why the complainant disagrees with that response;
 - vii. The complainant's suggestion for proper resolution of the matter or remedy sought;
 - viii. Identification of any witnesses who may have relevant information regarding the complaint; and
 - ix. Identification of any previous recommendations to resolve the issue.
4. The Director of Human Resources shall, within ten (10) working days of receipt of the grievance, determine and respond in writing to the complainant as to whether the grievance is eligible for review by a Grievance Panel;
 5. If the grievance is accepted for review, the Director of Human Resources 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 Director of Human Resources will inform the complainant in writing; and
 7. The complainant may then request a review by the Office of General Counsel within five (5) working days following the Director of Human Resource's decision. The Office of General Counsel will render a final decision within five (5) working days following receipt of the request for review. If the Office of General Counsel upholds the original decision to not accept the grievance, the complainant and other involved participants will be notified and reasons given. If the Office of General Counsel agrees to hear the grievance, the process continues in the same manner as if it had originally been accepted.

B. Establishment of and Eligibility for Service in the Grievance Panel Pool

The Grievance Panel Pool will provide a means to hear the complaints of university staff employees who have exhausted other channels but who believe that they have not received satisfactory resolution. All regular staff with at least two (2) years of continuous service at Columbus State University are potential University Grievance Panel Pool members. No employee shall be removed from the Pool if an employee is a grievant, or an employee is named or otherwise directly involved in an ongoing grievance.

Ideally, a review of membership in the Grievance Panel Pool should occur by the Department of Human Resources before the end of September of the fall term, with new members selected at that time. The newly elected members should meet within four (4) weeks following their selection. Training will be provided by the Department of Human Resources to all Grievance Panel Pool members once selection is complete. After completion of this training, the selected members will then be eligible for selection on a grievance panel.

The Pool will consist of a minimum of ten (10) eligible employees, and will have no maximum size. Should the number of eligible employees within the Pool fall below this number, the Department of Human Resources will have the ability to solicit new members for the Pool throughout the year. The membership of the Pool will be at the discretion of the Department of Human Resources.

C. End of Service in the Grievance Panel Pool

Service within the Grievance Panel Pool will normally consist of a two (2)-year term for each employee selected. At the end of this term, the employee will be given the opportunity to remain in the pool for a consecutive two (2)-year term. They may continue to maintain their status within the Pool for as long as they remain a regular staff employee of Columbus State University in good standing.

D. Selection of Grievance Panel

For a given hearing, three (3) employees will be selected to serve on a grievance panel from the eligible staff employees within the Grievance Panel Pool. The Director of Human Resources will remove any ineligible employees from the Grievance Panel Pool before providing names of eligible members to the grievant when notifying them that the grievance will be heard. Selection of the Panel members shall be made by the grievant themselves from these provided names.

Members of the Pool will not be eligible for selection on a particular Grievance Panel only if:

1. They have a conflict of interest or appearance of conflict of interest; or
2. They are employed within the department or unit in question.

Each Grievance Panel shall consist of the Grievance Panel Chair and two (2) panelists. The HR Director will identify five (5) members from the pool to serve on the Panel. Within three (3) working days thereafter, the grievant must notify the HR Director of his/her decision to strike up to two (2) members of the pool. If the grievant does not exercise his/her right to strike two (2) members from the pool, the HR Director shall, in his/her absolute discretion, shall decide which three (3) members will service on the Grievance Panel. Once the three (3) members are

chosen to serve as the Grievance Panel, they will elect from amongst themselves the Chair for that particular panel that will have the responsibilities listed below.

At least one (1) non-voting ex-officio member (i.e., Director of Human Resources or General Counsel) shall be present during the hearing. If an outside attorney is involved in the hearing, General Counsel will be present as the institutional representative.

E. Removal of Grievance Panel Members for Cause

Members of the Grievance Panel may recuse themselves if they determine that for any reason they will be unable to render impartial service on a Grievance Hearing Panel.

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.

F. Excusing Grievance Panel Members

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

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

G. Notice to Parties and Grievance

After the Grievance Panel has been selected, written notice of the time and date set for the hearing shall be delivered to the parties and to the members of the Grievance Panel by the Director of Human Resources no less than ten (10) working days before the scheduled date of the hearing. The Director of Human Resources should coordinate hearing participation with the selected panel members and parties prior to the delivery of the written meeting notice. If a party intends to either bring an advisor/attorney, a witness, or submit any documents as evidence, the Director of Human Resources should be notified of same within two (2) business days of the hearing date. Documents submitted by either party should be shared with the other party and the Grievance Panel at least twenty-four (24) hours prior to the hearing date.

H. Duties of the Chair

The Chair of each Grievance Panel shall be a voting member of the Panel responsible for the conduct of the hearing and implementation of the grievance procedures. The Chair's duties include the following:

1. Assuring that all parties are familiar with the grievance procedures;
2. Notifying the grievant and other parties in writing as needed regarding the status of the grievance;
3. Assuring that the grievance/complaint has been submitted as outlined above; and
4. Following all time and communications responsibilities as outlined in the review or grievance process.

I. Hearing Procedures

The following procedural rules should be observed by the Grievance Panel during the hearing of a grievance.

- a. The hearing before the Grievance Panel shall be conducted in a confidential setting, and confidentiality of the hearing shall be preserved by the Grievance Panel members, as applicable, pursuant to Georgia Open Meetings and Open Records laws;
- b. The parties have the right to select one (1) person to attend as an observer or advisor;
- c. The advisor may be an attorney, and may participate in the hearing in an advisory capacity to his/her client only. The advisor may address the grievance hearing chair to ask "point of clarity" or procedural questions, but may not address the other parties or grievance hearing panel members;
- d. The Director of Human Resources and/or representative of the Office of General Counsel may assist the Panel Chair as needed;
- e. The hearing shall be recorded or alternatively a written transcript created, subject to record retention laws and guidelines. The Department of Human Resources shall supply the recorders for the hearing. The recordings of the proceedings shall be kept in a secured manner within the Department of Human Resources and will be available to the parties concerned at a reasonable cost;
- f. The parties shall have the right to question all witnesses who appear at the hearing. Should a witness be unable to appear because of illness or other cause acceptable to the Chair, a sworn statement or affidavit by the witness may be introduced into the record;
- g. An oath or affirmation shall be administered to all witnesses;
- h. The panel will not be bound by rules of legal evidence. It may receive any evidence deemed by the Chair to be of value;
- i. The hearing should only last one (1) working day. It shall be at the discretion of the Chair to reconvene the hearing if additional time is needed; and
- j. The Chair will submit the Panel's recommendations in writing to the President within seven (7) working days following the conclusion of the hearing.

J. Grievance Panel Recommendations to the President

Any findings and recommendations made by the Panel shall be provided to all parties, the Director of Human Resources, and to the President. The President will render a final decision preferably within ten (10) working days of receiving the Panel's recommendation, and shall not be bound by the findings and/or recommendations of the Panel. If the decision by the President will take longer than ten (10) days, the Panel and the parties shall be informed, along with a time in which a decision by the President is expected. The President reserves the right to return the grievance to the Grievance Panel for further consideration.

Notification of the President's decision will be sent in writing to the grievant, Director of Human Resources, and General Counsel. Should the President's final decision not be in favor of the grievant, the grievant shall be notified in writing of his/her right to submit an [Application for Discretionary Review](#) in accordance with Board of Regents policy.

K. Time Limits

The time limits as described in this formal grievance procedure (with the exception of time limits imposed by the Board of Regents bylaws or policies) 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.

L. Prohibition of Retaliatory Action

No participant shall be harassed, intimidated, or otherwise penalized for involvement in the grievance procedures.

M. Reintegration of Successful Grievant

If the findings and recommendation of the Panel support the position of the grievant, and the President agrees with that assessment, then the grievant will work with the Department of Human Resources to develop a reintegration plan. In the case where the grievant's employment was terminated, this plan is intended to assist all parties in reintegrating the grievant into the institution.