Policy Number: 411
Policy Title: Employment Grievance
Policy Council Review Date(s): 03/18/10; 05/20/10
PPAB Approval Date:

POLICY:
Full-time regular employees may file a grievance requesting equitable resolution of disputes that arise between employees and Georgia Perimeter College over employment practices relating to an alleged violation, misinterpretation, or misapplication of employment policies, rules, regulations, practices, or written agreements.

PROCEDURE:
This policy is not applicable to part-time employees, student-workers, temporary employees, employees who have not completed their six-month provisional employment period, students, or non-GPC employees (i.e. consultants, contractors, vendors, etc.).

This policy is not available to dispute the following:

- Promotion and tenure decisions
- Performance evaluations
- Flexible work options
- Reduction in force
- Salary & grade classification determinations and appeals
- Organization of department or allocation of resources
- Termination of grant funding
- Hiring decisions
- Transfers or reassignments
- Terminations or layoffs due to lack of work or elimination of positions
- Non-selection for promotion
- Mandated furlough days
- Supervisory counseling discussions and memos
- Verbal or written warnings
- Conflicts between employees and others who are outside the employee’s line of authority

Matters involving alleged sexual harassment (Policy 425, “Anti-Harassment and Anti Retaliation”) and discrimination on the basis of race, color, religion, national origin, sex, age, sexual orientation, veteran status, or disability (Policy 446, “Statement of Non-Discrimination”) are distinct issues and shall not be subject to the provisions of this policy.
All proceedings will be conducted in a confidential manner, to the fullest extent possible. No employee who uses this procedure will be subject to retaliation. An employee may withdraw in writing the complaint at any point in this process.

I. Resolution Procedures

1. All grievances must be submitted in writing, dated, clearly stating the intent to file a grievance and specifically indicating the alleged violation, misinterpretation, or misapplication of employment policies, rules, regulations, practices, or written agreements.

2. The Employee (hereinafter referred to as “Grievant”) must first seek to resolve the grievance with his/her immediate or designated supervisor no later than ten (10) working days from the date of the act prompting the grievance or from the date of the most recent incident upon which the grievance is based.

II. Board of Review

If a grievance persists or is not resolved as outlined above, the grievant may seek remedy by presenting the matter to the Board of Review.

The President shall appoint an Academic Dean or College-Wide Director to serve as Chair of the Board of Review for a four-year term. A Dean or Director cannot consecutively Chair the Board. The Academic Division Deans, College-Wide Directors, and Department Heads will recommend to the Chief Human Resources Officer, one faculty member, one professional and administrative employee, and one support staff employee from campuses other than the campus of the Chair of the Board of Review, to serve on the Board of Review for a two-year or four-year term. The committee will consist only of full-time employees with at least one (1) year of service to the college.

Per each convening, two (2) committee members consisting of one (1) faculty member, one (1) professional and administrative employee, or one (1) support staff employee will be randomly selected by a random name selector computer software program. At least one (1) committee member must hold the same Equal Employment Opportunity employment classification as the grievant. The following employees may not serve on the committee:

- Employees of the Office of the President (including direct and indirect reports)
- Employees who work in the same department or campus as the grievant, unless the member is a college employee who is not assigned to a specific campus
- Employees who may have a conflict of interest as determined by the Chief Human Resources Officer

The Board of Review shall have jurisdiction to consider grievances filed by any full-time employee of the college in accordance with the provisions of this policy. The Board of Review’s jurisdiction is subject to the following limitations:

- Faculty grievances related to tenure or promotion shall be handled through the

- Per Board of Regents policy 8.3.9, dismissals of tenured and non-tenured faculty during their contract terms shall be preceded by certain preliminary procedures and heard by a specially selected Hearing Committee.

Within three (3) working days of the selection of the Board of Review committee members and no fewer than days five (5) working days before the hearing is held, Human Resources will notify in writing the committee members who have been selected to serve, the grievant, and the responding parties of the hearing date, the time, the location, and the issue(s) asserted on the Employee Grievance Form. The notification will also indicate that the parties are responsible for the attendance of their own witnesses and the presentation of any documentary evidence they wish to make a part of the record, including notarized statements of any witnesses who are unable to attend the scheduled hearing for a valid urgent extenuating circumstance. The grievant must confirm that he/she will be present at the grievance hearing within twenty four (24) hours of receipt of the notice.

Once a hearing date has been set, it shall only be rescheduled with documentation of a valid, urgent extenuating circumstance, such as serious personal illness or injury, that prevents either the grievant or the responding manager from attending. Failure to read and or accept the hearing notification shall not be grounds to reschedule.

Committee members may be excused from serving only if their request is sent to the Chief Human Resource Officer or their supervisor and is accompanied by a written statement of necessity of a bona fide illness or personal hardship. If a committee member is unable to participate in the grievance proceedings due to an urgent and compelling reason after the committee is convened, another committee member will be selected in accordance with the procedure outlined above.

### III. Hearing Procedures

Hearings are administrative reviews and not judicial proceedings. It is the grievant’s responsibility to show the unreasonableness or inappropriateness of the employment action. Accordingly, legal rules of procedure and evidence do not apply.

- The proceedings shall be taped recorded and made available to the grievant and/or respondent upon their request.
- Evidence shall only be limited to witness testimony and documentation that is directly relevant to the disputed employment action.
- The committee is not bound by legal rules of evidence and may receive any evidence of probative value in order to determine the issues involved; however, every effort should be made to obtain the most reliable evidence available. All substantive matters related to the admissibility of evidence or procedural matters will be decided by the Chair.

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• Witnesses should not be harassed, intimidated, or otherwise penalized for appearing at a hearing.
• Witnesses whose testimony is directly related to the issues raised in the grievance must participate in the hearing. The confidentiality of the hearing should be preserved by all involved parties to the greatest extent possible.
• Parties will be permitted to confer with an advisor of their choosing during the course of the hearing. Advisors cannot be an attorney, a GPC student, a member of the Office of the President, or a Human Resources employee. Advisors will not be allowed to question other participants, participate in, or interfere with hearing proceedings. The Chief Human Resources Officer or his/her designee may advise the Board of Review on procedural issues only, not issues of fact.
• The College shall be represented by a manager in the line of authority above the grievant’s immediate supervisor.
• The grievant shall have the first opportunity to present his/her case to the committee by providing a summary statement that
  1. Provides a brief description of the matter being grieved
  2. Outlines the grievant’s position on the matter
  3. Outlines what will be presented through documentary evidence
  4. Lists the names and position titles, if applicable, of the individuals who will serve as witnesses on the grievant’s behalf
• After the summary, the grievant shall then proceed to state his/her case by narrative, testimony of witnesses, and/or presentation of documentary evidence.
• If the grievant fails to appear at the hearing and does not provide documentation of a compelling extenuating circumstance that was beyond his/her control by 5:00 p.m. on the date of the hearing, the committee shall render its determination based on the evidence presented at the hearing.
• The respondent shall then present his/her case in the above indicated manner.
• Witnesses may be questioned by either side and/or by committee members.
• Committee members may make inquiries deemed relevant and reasonable.
• Both parties will have the opportunity to make a summary statement to the Board of Review to conclude the hearing. Both parties shall limit their summaries to five (5) minutes.

IV. Board of Review Determination

• Generally, if the supervisor’s or manager’s decision appears reasonable, the Board of Review should recommend that the decision be upheld.
• The Board of Review should bear in mind that employers do not need evidence “beyond a reasonable doubt” before making employment related decisions.
• Within ten (10) working days of the hearing and after considering all relevant evidence, the Board of Review through the Chair, shall provide the Chief Human Resources Officer the tape recording(s) of the proceedings and a written determination for disposition of the grievance. The determination should consist of the specific findings of
fact, based on evidence adduced at the hearing, and a recommended course(s) of action. The determination may include a dissenting opinion if the Board of Review members are not unanimous in their decision.

- The report should be completed under the guided template provided by Human Resources and should include the following:
  1. Copies of all documents accepted into evidence at the hearing
  2. Names and signatures of all committee members
  3. Names of all witnesses
  4. Brief discussion of the matter in dispute
  5. Summary of both parties’ positions
  6. Recommendation for action
  7. Brief summary of the committee’s rational for that recommendation

Within two (2) working days of receipt of the Board of Review’s determination, the Chief Human Resources Officer or his/her designee shall inform the grievant and respondent(s) in writing of the determination.

V. Appeal to the President

If either the grievant or respondent wishes further review of the grievance after the determination of the Board of Review, he/she may appeal the decision to the President within ten (10) working days of receipt of the Board’s determination. The appeal must be written and dated and will set forth the specific grounds of the appeal. In addition, the President or his/her designee should be provided with documentary evidence produced during the hearing and a written transcript of the hearing proceedings.

VI. Decision of the President

If the president receives the appeal within ten days of the Board’s determination, he/she shall issue a final decision within ten (10) working days. The President’s decision, which shall be based on the evidence of record, may adopt all, part, or none of the recommendations of the Board of Review.

The president shall apprise the parties of their right to request further appeal to the Board of Regents of the University System of Georgia pursuant to the Bylaws of the Board of Regents with indication that appeals to the Board of Regents must be made in writing within twenty (20) days after the final institutional decision is issued in writing by the president.