

Employee Grievance Policy

Adopted by President's Cabinet 9/25/12

Policy Statement: East Georgia College is committed to providing a safe and amicable working environment for its employees. While conflicts and disagreements are inevitable, it is the goal of East Georgia State College to resolve such disputes fairly, at the lowest possible level. When disputes occur, employees should seek to resolve them through discussion with their immediate supervisor.

Application of Policy: This policy applies to faculty, staff and student employees. The grievance procedure may be used only when the employee's resort to first- and second-line supervisors has failed to resolve the conflict. If the parties to the dispute have elected to use the Conflict Resolution Committee, the grievance policy shall not be used to resolve the dispute unless the Conflict Resolution Process has been completed and the parties have failed to accept the outcome of that process.

Complaints

Complaints covered under this policy are claims that are either (1) grievances or (2) disciplinary reviews, and the employee alleges he/she has been harmed by any action that violates the policies of either East Georgia State College or the Board of Regents of the University System of Georgia. The disciplinary review procedure is available to classified employees as stated in the "Dismissal, Demotion or Suspension Policy" of the *University System of Georgia Human Resources Policy Manual* under the following circumstances:

- (a) the employee has been suspended; or
- (b) the employee has been discharged; or
- (c) the employee has been demoted, or their salary has been reduced.

However, a classified employee may not file a grievance, even in the above circumstances, (a) if the discharge occurred in the employee's six month provisional period; (b) the employee has been adversely affected by a reorganization, program modification or financial exigency (such employees may apply to the Board of Regents for review); (c) the issue underlying the grievance is a complaint of employment discrimination based on race, color, sex, national origin, age, disability or religion (such employees are directed to the Affirmative Action Officer); (d) the issues being grieved have been previously heard by an administrative panel at the institution.

Exclusions: A grievance will not be available to employees discharged during the six month provisional period, to dispute student matters outside the employment relationship, promotion and tenure decisions, non-renewal of contracts, performance evaluations, hiring decisions, classification appeals, challenges to salary decisions, challenges to transfers or reassignments, termination or layoff because of lack of work or elimination of position, normal supervisory counseling and investigations or decisions reached under the EGSC Harassment Policy. Employees with discrimination-based or harassment based complaints where the issue underlying the grievance is a complaint of discrimination on the basis of race, color, sex, national origin, age, disability or religion, or a complaint of sexual harassment and/or violence, are directed to the Title IX Coordinator and to the Grievance Procedure. Employees adversely affected by reorganization, program modification or financial exigency may apply to the Board of Regents for Review. Tenured faculty and faculty under contract are directed to the Board of Regents Policies for the appropriate review process for dismissal, demotion and suspension.

Complaint Process: A grievance must be filed with the Chair of the Grievance Committee within 10 business days of the alleged adverse action. Upon receipt of the grievance, the Chair will provide the complaining employee or "grievant" with a copy of this policy and any other relevant documents concerning a grievance hearing. The Chair will determine, within three business days, whether the grievance is timely made, and if so, whether it is allowed under this policy. In making such determination, the Chair may consult EGSC Legal Counsel and/or EGSC Director of Human Resources. If the grievance is prohibited under this policy, time barred, or the grievant is in the midst of a conflict resolution procedure concerning this matter, the Chair will inform the grievant and direct him or her to alternate resolution processes that may be available. If the grievance is allowed, the Chair will so inform the grievant, and notify the Grievance Committee. A hearing will be held by the Grievance Committee within 10 days of the grievant's receipt of the above notice. The hearing may take place before or after the effective date of the personnel decision in question. If the grievant is a classified employee granted a disciplinary review for a demotion, dismissal or suspension, the grievant will be afforded additional procedural protections in the hearing before the Grievance Committee. If the grievant initiates the Grievance Process and

before the Grievance is concluded opts out to Conflict Resolution, the grievance clock stops at the time of opt out. At the conclusion of the Conflict Resolution process, if the matter is not resolved and the party opts into the Grievance Procedure, the clock begins again on the Grievance Process. After hearing the dispute, the Grievance Committee will make a recommendation for resolution of the dispute to the President. The recommendation is advisory to the President. After consideration of the recommendation, the President will issue a final decision. No further appeals at the institutional level will be heard.

Appeal: Grievants may apply with the Board of Regents of the University System of Georgia for an appeal of the final decision of the President only in cases where an employee is terminated, demoted or otherwise disciplined in a manner which results in a loss of pay; however, appeals may be heard in certain limited circumstances. Such exceptions will be evaluated at the discretion of the Board after consideration of the whether a miscarriage of justice might occur if the claim is not reviewed, and whether the decision if allowed to stand, has system wide significance.