



Policy Approval/Review Form

This form is used for the approval, amendment, removal or review of a Gordon State College policy. Once authorized with the President's Signature, the policy will be posted to the Gordon State Website. This approval form will be filed in the Office of the President with Cabinet minutes noting approval.

Policy Title *	Staff Grievance and Disciplinary Review Policy
Department	Human Resources
Policy Editor	Creche' Navarro
Request Type	New ☐ Amended ☒ Removed ☐ Reviewed ☐

OBJECTIVE (Briefly state your purpose.)

Update policy to be in alignment with staff council by-laws

RESOURCES AND CONSULTATION (Briefly describe the resources (i.e. website, link) used in developing, amending, removing, or reviewing the policy. Include names of other individuals who assisted with this change.)

Staff Council Grievance Committee

COMMUNICATION PLAN (Identify how information about how the policy will be communicated to the college as well as training plans if applicable.)

Staff Council will communicate at June meeting.

Authorizations

Dean or Supervisor Signature and Date: _____

Cabinet Sponsor (VP) Signature and Date: _____
Madelyn Brown Digitally signed by Madelyn Brown
Date: 2022.05.27 17:07:52 -04'00'

President Signature and Date: _____


***Policy Template must be submitted with this form.**



Policy Name:	Staff Grievance and Disciplinary Review Policy		
Responsible Cabinet Member:	Madelyn Brown	New	
Responsible Office:	Human Resources	Amendment/Revision	X
Contact:	Creché Navarro, Kelly Griffin	Review Only	

1. Policy Statement

Gordon State College 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 Gordon State College to resolve these disputes fairly.

2. Reason for Policy

The policy is intended to provide an avenue for resolution through the formal grievance/disciplinary review process if an employee is unable to resolve them through discussion with their supervisor.

3. Who Should Read this Policy

All staff members at Gordon State College.

4. Resources

- [Gordon State College Staff Council Bylaws](#)
- [University System of Georgia Policy on Grievance](#)
- [University System of Georgia Policy on Employee Categories](#)

5. Definitions

- **Classified Employees:** Consists of two major employee groups
 - Staff Professional and Administrative Employees who are exempt from the Federal Wage-Hour provisions of the Fair Labor Standards Act (FLSA) and
 - Staff Non-Exempt Employees who are not exempt from the Federal Wage-Hour provisions of the Fair Labor Standards Act (FLSA)
- **Demotion:** A decrease in the duties and responsibilities assigned to an employee and a downward change in their classification and salary range.
- **Discharge:** End of employment, generally involuntary or for cause.
- **Grievance Committee:** A committee elected biannually by the GSC Staff Council to hear grievances by staff members involving other employees of Gordon State College.

- **Grievance Coordinator:** Chairpersons elected by the Grievance Committee. The Grievance Coordinator is responsible for helping to coordinate the expeditious and fair resolution of grievances and disciplinary reviews raised pursuant to this policy. The role of the Grievance Coordinator is to assist the parties and the Grievance Committee in administering these procedures. To that end, the Grievance Coordinator will remain neutral throughout the proceedings and will serve primarily as a facilitator.
- **Grievance Panel:** A panel comprised of three (3) members of the Grievance Committee, elected by the Grievance Committee to serve on a specific grievance case. The Panel reviews evidence and provides a recommendation to the President based on the evidence.
- **Petition for Review of Grievance:** The form a complainant should submit to HR if they wish to appeal their employment unit's two-level review of the matter in question.
- **Preponderance of the Evidence:** The amount of supportive evidence that a reasonable person would find is more than 50% likely to be true. This is the standard of proof required by the complainant in their presentation of evidence to the Grievance Committee.
- **Suspension:** A period of time during which the employee is not allowed to work and for which the employee will receive no compensation when it has been determined that the employee's performance of duty or personal conduct is unsatisfactory.

6. The Policy

Availability of Grievance:

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 Gordon State College or the Board of Regents of the University System of Georgia or for requested disciplinary review in accordance with the Dismissal, Demotion, or Suspension policy of the University System.

A grievance will **not** be available to dispute:

- Promotion
- 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
- Investigations or decisions reached under the College's Harassment Policy
- Normal supervisory counseling

Circumstances under Which Grievances May or May Not be Filed:

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 HR Director for handling in accordance with applicable policies.
- The issues being grieved have been previously heard by an administrative panel at the institution

- They have 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.

7. Procedures

Grievances and disciplinary reviews will be processed under the procedures set forth below.

The Formal Request

Prior to filing a Grievance:

1. All complaints must be reviewed at a minimum of two levels within the complainant's employment department, including the head of the academic or administrative unit or designee.
2. The initial appeal must be requested in writing to the next level supervisor within 10 working days of the event that has given rise to the grievance or request for disciplinary review.
3. The complainant will have 5 working days from the date of the decision letter to appeal to the next level within the complainant's employment unit.

If dispute is not resolved within the complainant's employment unit:

4. After completion of the employment unit's review of the matter, a Petition for Review of Employee Grievance must be submitted to Human Resources at humanresources@gordonstate.edu within 5 working days from the date of the decision letter of the head of the academic or administrative unit or designee.

Filing the Petition for Review of Employee Grievance

Complainants are required to prepare a petition to ensure that the Grievance Committee will address the specific issues that most concern the complainant. The guidelines set forth below for preparing the petition are designed to ensure that the petition clearly identifies those issues.

The attached petition form must be filled out and must include the following information:

- The complainant's name and, when applicable, job title;
- The department in which the complainant is employed;
- The nature of the problem or complaint;
- The date the problem or complaint began or occurred;
- The communication that has taken place between the complainant and his or her department head, supervisor and/or second level supervisor concerning the matter;
- The supervisor's and/or other superior's response;
- The reason the complainant disagrees with that response;
- The complainant's suggestion for proper resolution of the matter; and
- Identification of any witnesses who may have relevant information regarding the complaint.

Any documents the complainant wishes to offer as evidence to the Grievance Committee should be submitted at the time a petition is made. A copy of the documents will be provided to the other party or parties to the dispute ("respondent"). The respondent will have an opportunity to identify witnesses and provide documents to the Grievance Coordinator. A copy of the documents will be provided to the complainant. Should an objection be raised to the relevance of any documents, the Grievance Coordinator will review such documents and remove those documents which are deemed not to be relevant.

A complainant who wishes to address the Grievance Panel orally must make the request in the written petition. The purpose of an oral presentation is to provide an opportunity for individuals who may communicate more effectively orally than in writing to supplement their written petition. The College unit or individual against which the appeal is directed will be afforded the opportunity to attend the hearing if one is requested. If no oral presentation is requested, the review will be based upon the written record.

Review of the Request and Documents

The Grievance Committee shall elect a Grievance Panel that is comprised of three (3) members of the Grievance Committee, ensuring that the members selected do not have a conflict of interest due to their working or personal relationship with the grievance parties. The Grievance Coordinator shall be a non-voting ex-officio member of the Grievance Panel.

Members of the Grievance Committee will be excused from service on a particular case under the following circumstances:

- a) If they have a personal or professional relationship with any party to the case which would prejudice them from rendering an objective judgment in the case;
- b) If the case involves a student, faculty member or staff member in the same department or unit as a member of the Grievance Committee; or
- c) If they are on extended leave of absence.

In the event a committee member is excused from service on a particular case or is no longer employed by the College, the Grievance Coordinator shall select an alternative member of the Grievance Committee to serve on the Grievance Panel for that case.

When a hearing has been requested, the following rules will apply:

1. The complainant will be notified of the date, time, and place of the hearing.
2. The complainant may select an advisor or support person who may attend the hearing but may not participate in the grievance process. The advisor may speak only to the complainant and may not address the committee.
3. The hearing will be recorded. Recording equipment will be provided by Human Resources.
4. The complainant making the appeal shall appear first in the hearing; other parties who are respondents shall appear after the complainant. The Grievance Panel may invite witnesses identified by either party to participate in the meeting with the Grievance Panel; if they prefer, they may respond in writing to the Grievance Panel's request for information.
5. The Grievance Panel will choose the option that the complainant and respondent appear (a) separately, or (b) together. Parties will not be permitted to cross examine each other during the hearing. Formal legal rules of evidence do not apply in the hearing.
6. The complainant has the burden of proving by the preponderance of the evidence that they have been wronged. If, at the conclusion of a review, the Grievance Panel is unable to reach a decision or the evidentiary standard is not met, the finding will be in the respondent's favor.

Concluding the Process

Report of the Grievance Panel

When the Grievance Panel has received the information it deems necessary to render a decision in a case, it shall determine by majority vote what its findings will be. The findings must be transmitted to the Grievance Coordinator within five (5) working days of the conclusion of the hearing. The Grievance Coordinator will then transmit the report and any other relevant information to the President of the College.

Decision of the President

The President is the Chief Executive Officer of the College and is authorized by the Board of Regents to exercise such supervision and direction as will promote justice and the effective and efficient operation of the College. The President will use the report of the Grievance Panel to reach a decision that best promotes these goals. The President will attempt to furnish a decision to the parties within 30 days after receiving the report of the Grievance Panel. If the President's review of a case requires longer than 30 days, the President will notify the parties of the delay. The President's decision shall be final at the institutional level.

Discretionary Review by the Board of Regents

The Board of Regents reserves discretionary authority to review all decisions made by the member institutions. The Board of Regents normally will accept only in extraordinary cases, such as those where proper procedures may have been violated, where the decision is unsupported by the facts, or where the decision violates University or Board of Regents policy. Any petition to the Board of Regents must be made within 20 days following the final decision of the President.

Retaliation Prohibited

Any attempt to intimidate or retaliate against a person for raising an issue or participating in these procedures is strictly forbidden. Any person who makes such an attempt will be subject to disciplinary action, up to and including termination of employment. If any person involved in the grievance process feels that he/she is being or has been retaliated against for participating in these procedures, he/she should immediately contact the Grievance Coordinator.

Use of Discipline

When grievance findings may require the use of discipline, the Grievance Coordinator will provide applicable supportive evidence to the HR Director for review and appropriate action in accordance with the Positive Discussions and Progressive Discipline policy

Federal and State Laws

There are federal and state laws that cover school and workplace complaints and provide remedies for some school and workplace disputes. Participating in these procedures does not extend the deadlines within which to seek redress from outside agencies or initiate appropriate legal proceedings.

Questions Concerning this Policy

Please contact Director of Human Resources at 678-359-5011.

This policy supersedes and replaces the previous Grievance and Disciplinary Review Policy that was approved by Cabinet 03/2017.