The Board of Regents Grievance Policy
The University System of Georgia 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 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.

Overview
This policy is intended to provide an avenue for resolution of conflicts at the lowest possible level. Attempted resolution may be addressed through the grievance/disciplinary review process or the dispute resolution process.

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 either the institution or the Board of Regents.

A grievance will not be available to dispute:
- promotion and tenure decisions,
- performance evaluations,
- hiring decisions,
- classification appeals,
- challenges to grades or assessments,
- 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 institution's Harassment Policy, and
- normal supervisory counseling

In addition, these formal procedures will not be available to a student or employee who has 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.

Circumstances under Which Grievances May 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 180 day 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, religion or sexual discrimination. Such charges should be directed to the Affirmative Action/EEO Officer.
• The issues being grieved have been previously heard by an administrative panel at the institution.

_Grievance Procedures_

A classified employee may file a grievance by completing a grievance form and submitting it to the chief human resources officer (or other office designated to handle grievances). Unless there is good cause for delay, a grievance must be filed within ten (10) working days of the notice of suspension or discharge. If filed after that time, the grievance must be accompanied by a written explanation for the delay. The chief human resources officer will rule on whether the employee had good cause for filing the grievance late. Upon submission of the grievance statement, the grievant will be provided with a copy of the formal grievance policy and other documents pertaining to grievance hearing procedures. The employee shall be entitled to the procedural protections of a hearing before a Board of Review. The Board of Review hearing may take place either before or after the effective date of the personnel decision in question.

_Human Resources Administrative Practice Manual: Employee Relations: Grievance Policy_
http://www.usg.edu/hr/manual/grievance_policy/

_Human Resources Administrative Practice Manual: Employment: Dismissal, Demotions, or Suspensions_
http://www.usg.edu/hr/manual/dismissal_demotions_or_suspensions/

_The Board of Regents’ Policy on Dispute Resolution_

As a first step, complainants should try to resolve problems and complaints by contacting their immediate supervisor or, in the case of a student, the academic department head or unit director. This initial contact should be made within ten (10) working days from the occurrence of the problem. The supervisor or department head should then arrange a meeting with the complainant, and all concerned should make a good faith effort to resolve the problem. The dispute resolution coordinator will be available to assist in these initial efforts to resolve disputes.

If the dispute cannot be resolved through the efforts outlined above, the parties may be referred to the dispute resolution coordinator to discuss whether mediation is an appropriate means for resolving the dispute. Mediation is a process that helps people resolve disputes for themselves in a mutually acceptable way in which everyone involved in the dispute meets with one or more trained mediators. In a private setting, the mediator provides an orderly, simple process for the parties to discuss their dispute along with their feelings, perceptions and needs. The goal is to begin communication and move towards resolving the dispute in a manner agreeable to all.

If the parties are unable to informally resolve the dispute, they do not wish to pursue mediation, or are unsuccessful in resolving the dispute through mediation, the dispute resolution coordinator will advise the person raising the dispute of what other resources may be available, if any.
The Grievance Policy for Faculty and Staff
The university grievance policy is available to all benefited employees at Armstrong Atlantic State University.

Definitions
- "Conflict" or "dispute" refers to 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.
- "Party" refers to a person directly involved in a conflict or dispute.
- "University Grievance Committee" is a university committee, as described in Section 104.9, from which a Grievance Hearing Panel may be selected. This committee may make recommendations to the president on general issues of grievance and conflict resolution policies.
- "Grievance Hearing Panel" consists of members selected from the University Grievance Committee to hear a specific case and make recommendations for action on a specific case to the appropriate vice president.
- "Formal Grievance" means the filing of a written grievance which results in the use of the University Grievance Committee to resolve the dispute.
- "Mediation" is one form of alternative dispute resolution where 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 except without the typical structure of mediation.
- "Informal Grievance" shall be deemed to refer to a dispute being made by any means other than a formal grievance, indicating the desire of the complainant to resolve the dispute without the use of the University Grievance Committee.
- "Dispute Resolution Coordinator" (formerly the Judicial Affairs Officer in charge of the Faculty Conflict Resolution Program) is appointed by the president and charged with assisting employees with conflict at all levels of the institution and serves as co-liaison with the director of human resources to the university system dispute resolution program. The dispute resolution coordinator keeps communication regarding conflict confidential to the extent allowed by law.

General Procedures
Conflicts sometimes arise in the relationship between the university, as an employer, and its employees. Conflict also arises among university employees. Both the employee with a grievance and the university benefit when the university responds to grievances promptly and fairly. Grievances of discrimination and harassment shall be referred to the harassment prevention officer and will be investigated in accordance with university procedures. All employees shall receive fair and equitable treatment at Armstrong. See Armstrong's harassment policy for more information.

In keeping with the spirit of collegiality, the goal is to resolve an employee dispute or grievance promptly and fairly and if possible through communication between the parties directly involved in the dispute. This is consistent with our philosophy of building an environment that is fair and equitable and supports and values open communication at all levels. The grievance procedures at Armstrong consist of three parts: Informal Dispute Resolution Procedure (e.g., further discussion, conflict coaching), Alternative Dispute Resolution (e.g., mediation, facilitated discussion), and Formal Grievance Procedures (e.g., grievance hearing, administrative decision).
Informal Dispute Resolution:
The employee will seek to resolve the dispute with the colleague directly or immediate supervisor consistent with our practice of resolving disputes at the lowest possible level in the organization. These discussions should be confidential. Verbal or written statements are an acceptable means of requesting a meeting during the informal dispute process.

If the dispute involves the immediate supervisor, the employee and/or the supervisor shall have the option of having a confidential discussion, and/or shall be given an opportunity to have another employee, peer or human resources representative present as a neutral observer. If the dispute remains unresolved, the employee may then seek to resolve the dispute at each level of supervision.

If the dispute is not resolved or if circumstances of the grievance prevent the employee from using the above mentioned steps, the employee may present the dispute to the dispute resolution coordinator or human resources director at any time during the informal dispute process.

The dispute resolution coordinator or human resources director shall meet with the employee and the supervisor and others as appropriate, in an attempt to resolve the informal dispute.

If the dispute involves accusations or appearances of discrimination the dispute resolution coordinator or director of human resources will immediately contact the harassment prevention officer.

At any time during the informal grievance/dispute process an employee may choose to pursue mediation or a formal grievance, keeping in mind the alternatives to the formal process.

Mediation and/or Facilitated Discussion Procedures
Mediation is an informal process that involves a trained facilitator who will assist in effecting a voluntary resolution of the dispute. The objective of a mediation or facilitated discussion process is to come to an agreement that is fair and meets the needs of the parties involved in the conflict. The process is confidential and is conducted in a confidential setting. Armstrong and the University System of Georgia maintain a list of trained mediators.

Mediation does not waive the rights of any aggrieved party to seek resolution of his/her grievance through formal avenues. Mediation is a cost effective, voluntary, fast and efficient way to resolve grievances; it encourages reaching a mutually acceptable resolution.

If one or both parties are interested in pursuing mediation or facilitated discussion as an option, they should contact the dispute resolution coordinator. Both parties involved in the dispute must agree to voluntarily request mediation. If the parties agree and an internal Armstrong trained mediator(s) can be utilized; the dispute resolution coordinator will arrange the time and location for the mediation or facilitated discussion.

Reasonable attempts will be made to arrange for the mediation /facilitated discussion within ten (10) working days of the request. Requests for an external mediator will take additional time to coordinate. The mediator will facilitate the discussion between the disputing parties to help find a mutually agreeable solution to the conflict. The mediator will not impose a solution. At any time during the mediation process either with or without reaching an agreement the employee may file a formal grievance.
Formal Grievance Procedures

Faculty or staff employees may pursue resolution of their grievance through a formal grievance process. The following procedures are in place to provide the framework and process to resolve formal grievances.

The director of human resource serves 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 chairperson, and grievance panel in administering procedures. If the grievance involves accusations or appearances of discrimination, including but not limited to sexual harassment, the director of human resources will immediately contact the harassment prevention officer.

If the conflict involves human resources personnel, then the dispute resolution coordinator shall facilitate the grievance process in the place of the director of human resources.

The request for a grievance hearing must be filed with the director of human resources within thirty (30) calendar days of the event that has given rise to the grievance. If filed after that time, the grievance must be accompanied by a written explanation for the delay. The director of human resources will rule on whether the employee had good cause for filing the grievance late.

Armstrong encourages the use of our informal procedures as a means of resolving conflict. Therefore, the director of human resources may ask the complainant to discuss the possibility of mediation as an alternative to a hearing with the dispute resolution coordinator. If mediation is selected as a means to informally resolve the dispute, the human resources director will extend the time for the submission of the written grievance request up to thirty (30) calendar days following the completion of the mediation process.

To initiate a formal grievance hearing, the grievant is required to prepare and submit a grievance request form to the director of human resources to ensure the University Grievance Committee will address the specific issues that concern the grievant. The grievance request form can be obtained from the director of human resources or it can be accessed from the human resources web page. The information listed below should be included to ensure that the complainant identifies all the issues and facts. The form must include:

- The complainant’s name, and job title;
- The department/unit in which the complainant is employed;
- The nature of the problem or dispute;
- The communication that has taken place between the complainant and his or her academic department head, supervisor, and/or second level supervisor concerning the matter;
- The supervisors and/or superiors responsible, if applicable;
- The reason why the grievant disagrees with that response;
- The grievant’s suggestion for proper resolution of the matter or remedy sought;
- Identification of any witnesses who may have relevant information regarding the dispute; and
- Identification of any previous recommendations to resolve the issue.
The director of human resources shall, within ten (10) working days of receipt of the grievance, meet with one of the university grievance committee co-chairs to present the grievance. The university grievance committee co-chairs shall within ten (10) working days of receipt of the grievance from the director of human resources determine and respond in writing to the complainant as to whether the grievance is eligible for review by the grievance panel.

- The co-chairs will consult the Board of Regents policies on what is and is not to be accepted for a hearing.
- For faculty, the Board of Regents prohibits the hearing of a grievance for certain decisions and organizational processes, but claims of violating policies or procedures that lead to those decisions and processes may be heard by the committee.

If the grievance is accepted for a hearing, the university grievance committee co-chairs will instruct the parties as to the procedures to be followed in selecting the members of the grievance hearing panel and in conducting the hearing.

If the grievance is not accepted for hearing, the university grievance committee co-chairs will inform the complainant in writing. The complainant may then request a review by a quorum of the University Grievance Committee. For the purposes of this review, a quorum shall consist of at least 25% of the members of the University Grievance Committee. If the panel, by simple majority, upholds the original decision of the chair, the complainant and other involved participants will be notified and reasons given. If the panel agrees to hear the grievance, the process continues and within ten (10) working days following receipt of a grievance, the chair will have the grievance panel selected as described below.

At any time during the formal grievance process the employee may choose to resolve the conflict through mediation. In this event the grievance process will be suspended pending completion of the mediation process.

**Establishment of the University Grievance Committee**

The University Grievance Committee shall be a university committee and provide a means to hear the complaints of university employees who have exhausted other channels but who have not received satisfaction.

There will be an eight member faculty contingent appointed by the president and charged with hearing faculty grievances. There will also be an eight member staff grievance contingent appointed by the president to hear staff grievances. The dispute resolution coordinator and director of human resources shall be non-voting ex-officio members of the University Grievance Committee.

Nominations for University Grievance Committee membership may be solicited by the president from: the officers of the faculty Senate, the officers of the Staff Advisory Council, the director of human resources, and the dispute resolution coordinator.

The president shall appoint a tenured faculty member and a staff member to serve as co-chairs. The members of the University Grievance Committee shall be selected at the beginning of the academic year. Members serve in one year appointments and may be renewed at the pleasure of the president.

Newly selected members will meet within four weeks following their selection with the co-chairs, the director of human resources and the dispute resolution coordinator for orientation.
Eligibility of Service to the University Grievance Committee
All regular employees with at least 3 years of continuous service at Armstrong are potential University Grievance Committee members. In addition, faculty members must be tenured. Employees' names shall be removed from the pool if an employee terminates, an employee is a grievant, or an employee is named or otherwise directly involved in an ongoing grievance.

Procedures of the Grievance Hearing Panel
Selection of the Grievance Hearing Panel
Each Grievance Hearing Panel shall consist of the grievance panel chair (one of the co-chairs of the University Grievance Committee) and four (4) committee members. If the grievance is between employees with faculty status, then all four members shall be chosen from the faculty contingent. If the grievance is between non-faculty staff then all four members shall be chosen from the staff contingent. If the grievance is between faculty and staff, then two from each contingent shall be chosen.

The grievance panel chair shall solicit from each party a list of 4 committee members from which he or she shall select the Grievance Hearing Panel. At least one non-voting ex-officio member (i.e., director of human resources, dispute resolution coordinator) shall be chosen by the grievance panel chair to be present during the hearing.

Excusing Grievance Hearing Panel Members
Grievance panel members who are drawn as possible grievance hearing panelists may be excused by the hearing panel grievance panel chair upon request, if: there is a bona fide conflict of interest between the hearing panel member and either of the parties of the grievance, the potential hearing panel member is ill, or service on the hearing panel should be excused for good cause shown such as, but not limited to, conferences, job responsibilities, family illness, etc.

Notice to Parties and Grievance Panel Members
After the grievance hearing panel has been selected, written notice of the time and date set for the hearing shall be hand delivered to the parties and to the members of the grievance hearing panel by the grievance panel chair no less than ten (10) working days before the scheduled date of the hearing.

The grievance panel chair should coordinate meeting participation with the selected hearing panel members and parties prior to the delivery of the written meeting notice.

Removal of Grievance Hearing Panel Members for Cause
A party may present a request, in writing, at least three (3) working days in advance of any hearing, to the grievance panel chair, to remove any member of the grievance panel for reasonable cause, including, but not limited to, conflicts of interest or apparent conflicts of interest.

If the grievance panel chair grants the request, he or she shall fill the vacancy from the remaining members of the University Grievance Committee. In addition, the grievance panel chair may, on his or her own motion, remove any member for reasonable cause and replace the member with an alternate member.

Members of the Grievance Hearing Panel may recuse themselves if they determine that for any reason they will be unable to render impartial service on a Grievance Hearing Panel.
Duties of the Grievance Panel Chair
The grievance panel chair of each grievance panel shall not vote (except in the case of a tie) and shall be responsible for the conduct of the hearing and implementation of the grievance procedures. The chair's duties include the following:

- Assuring that all parties are familiar with the grievance procedures.
- Consulting with the dispute resolution coordinator, director of human resources or the Office of University Counsel to determine if the grievance should be heard by the grievance panel.
- Notifying the grievant and other parties in writing as needed regarding the status of the grievance.
- Assuring that the grievance has been submitted as outlined above.
- Following all communication responsibilities in a timely manner as outlined in the review or grievance process.

Grievance Hearing Panel Procedures
The grievance hearing shall be conducted in a confidential setting and confidentiality of the hearing shall be preserved by the grievance hearing panel members.

The parties have the right to select one (1) person to attend as an observer or advisor. The advisor may be an attorney and participate in the hearing in an advisory capacity to his client only. The attorney may not address the other parties or grievance hearing panel members. The dispute resolution coordinator and/or director of human resources may assist the grievance hearing chair as needed.

The hearing shall be recorded. The Office of Human Resources shall supply the tapes and recorders for the hearing. The tape recordings of the proceedings shall be kept within a secured area in the human resources office and will be available to the parties.

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 grievance panel chair, a sworn statement or affidavit of the witness may be introduced into the record. The panel will not be bound by strict rules of legal evidence. It may receive any evidence deemed by the grievance hearing chair to be of value.

It shall be at the discretion of the grievance hearing chair to reconvene the hearing if another session is needed.

Within fifteen (15) working days following the conclusion of the hearing, the panel shall state its findings of fact and recommendations in writing based on the evidence introduced at the hearing.

The grievance hearing chair will report the findings of fact and recommendations in writing to the relevant vice president of the appropriate university divisions acting as the designee of the president. In the event the dispute involves a vice president, the panel's findings will be reported to the president.

Grievance Panel Recommendations to the Vice Presidents or President
Any findings of fact and recommendations made by the hearing panel shall be provided to all parties and to the appropriate vice president and are advisory only.

The vice president will render a final decision within ten (10) working days of receiving the panel's recommendation. The vice president reserves the right to return the grievance to the grievance hearing panel for further consideration.

If the vice president is directly involved in the grievance or in cases where the vice president's role is a conflict of interest, the grievance panel recommendation will be submitted to the president for final decision as outlined above.
The vice president's final decision may be appealed to the president in writing within twenty (20) days following the decision of the vice president. The president’s decision will be rendered within ten (10) working days and can be appealed to the Board of Regents by requesting a hearing with the Board of Regents in accordance with Board of Regents Bylaws and Policies.

**Time Limits**
The time limits as described in this formal grievance procedure (with the exception of time limits imposed by Board of Regents Bylaws or Policies) may be waived or extended with the consent of both parties and/or the president or his/her designee, due to extenuating circumstances or to permit mediation or any other informal process.