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# POLICY & PROCEDURE

**Subject: UNCLASSIFIED – NON-FACULTY GRIEVANCES**

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## POLICY

The Southern University (System) recognizes that employees need a process to formally complain/grieve about employment actions they feel are unfair. The System wants to develop and to maintain a productive and efficient work force. In keeping with this goal, the policy has been revised for unclassified and non-faculty employees.

All System campuses must adhere to these minimum requirements. Please update your grievance procedures, establish a campus process and submit the revised copy to the System Associate Vice President of Human Resources.

### **This policy does not apply to the following:**

- 1) Title VII – Discrimination Harassment and Sexual Harassment
- 2) Title IX Complaints
- 3) ADA Complaints
- 4) Academic Faculty Grievances
- 5) Student Complaints
- 6) Civil Service Complaints

**Please refer to the system or campus handbooks for the above mentioned policies. There are time limits for each level in the grievance process. If an employee uses the wrong process to file a grievance, this will not alter or extend the time limits for the correct process, employees who do not know which process to use are urged to contact your campus Human Resources Department for guidance.**

## APPLICATION

This Policy shall apply to grievances considered to be unfair because of the application of some non-meritorious factor, charges of the incompetency or unsatisfactory performance of duties, or other similar allegations. It is the purpose of this grievance procedure to establish the means for securing prompt and equitable solutions.



## **SCOPE**

The decision to use this grievance policy and procedure, **although encouraged, shall be the individual employee's voluntary decision.**

## **DEFINITIONS**

The term "grievance" shall mean any claim or allegation by any employee and/or group of employees, hereinafter referred to as "grievant", that:

- A. An employee has been treated unfairly, inequitably or in a manner which is arbitrary, capricious, unjust or unreasonable. The action cannot be resolved with the supervisor and/or manager;
- B. There is a violation of the implementation, enforcement, administration, application and/or interpretation of any applicable law or any rule, regulation, administrative directive, policy or practice of the Southern University System; or
- C. A condition, situation or circumstance exists which jeopardizes the health or safety of an employee.

## **PROCEDURES**

### **STEP ONE**

An employee can file a formal complaint/grievance in writing on a Grievance Form to their immediate supervisor and a copy to Human Resources within seven (7) business days after the matter has not been resolved with the employee's manager/supervisor. **The supervisor and employee will meet at a mutually convenient time within seven (7) business days of receiving the complaint/grievance to seek resolution. After the meeting, the supervisor shall provide a written response to the employee and Human Resources within ten (10) business days thereafter.** In the event of extenuating circumstances, the immediate supervisor will notify the employee in writing of a reasonable extension of the seven (7) day deadline. The extenuating circumstances shall not exceed an additional five (5) business days. This extension rule applies to all subsequent steps in this process. Each step shall not exceed a total of fifteen (15) days.

### **STEP TWO**



If the supervisor and grievant do not resolve the matter and the grievant wants to appeal the immediate supervisor's decision, the employee shall file the grievance with the supervisor's manager within five (5) business days of the supervisor's written decision. Within ten (10) business days, the supervisor's manager may meet and discuss the grievance with the employee and the manager shall provide a written response to the employee and Human Resources.

### **CHANCELLOR'S REVIEW**

The Chancellor can review the grievance or appoint a grievance committee.

If the Chancellor decides to review the grievance, the President/Chancellor shall provide a response within seven (7) business days, he/she may meet and discuss the grievance with the employee.

If the Chancellor appoints a Grievance Committee, Chancellor's Grievance Committee will adhere to the following procedures. The Grievance Committee has to be appointed within five (5) business days after the Chancellor receives the grievance.

The Grievance Committee shall be composed of five (5) non-faculty employees. The Grievance Committee shall not exceed five (5) members. The Grievance Committee shall appoint a Chairperson (Chair). The Chair will preside over the proceedings in the following manner:

- The Grievance Committee will meet within five (5) business days of receiving the grievance from the Chancellor, President/Chancellor of SUBR or his/her appointed designee.
- The Grievance Committee Chair shall inform the employee and responding party of the Committee's schedule.
- The Grievance Committee may meet with the parties or the Committee Chair and will notify the parties of any information the committee needs to help with their review.
- If the Grievance Committee wants to schedule a meeting with the employee and supervisor, the Committee Chair will schedule the hearing and conduct the hearing within the time frame agreed upon by all parties.
- The Grievance Committee Chair will ensure a record of the hearing is complete before a final decision is rendered.

### **Grievance Committee Hearing Guidelines**

The following guidelines and procedures will be applicable:



The Chair will convene the Committee to hear the grievance. Questions relating to the competency, relevancy or significance of testimony and evidence, and latitude in conducting questioning will be based upon the Committee's determination as to what is just, fair and reasonable under the circumstances.

- i. At the beginning of the hearing, the Chair will announce that the committee has convened for the purpose of hearing the grievance of (Grievant Name) and (Title) which was filed with the Grievance Committee on (Date).
- ii. The Chair will ask both the Grievant and the Responding Party to decide whether the hearing should be opened or closed to the public. If a closed meeting is chosen, all nonessential persons will be asked to leave the hearing room.
- iii. The Chair will call the Committee to order.
- iv. The Chair will give an opening statement which details the procedures to be followed, the purpose of proceedings, notice of the Committee's reservation of its right to limit evidence and statements deemed irrelevant or unrelated to issues at hand and to hear or not to hear witnesses offered by the parties.

### **Grievance Committee Hearing Procedures**

The Chair will provide a detailed statement of the actions taken on the grievance thus far.

- i. The Grievant will make an opening statement detailing his/her grievance and the remedy he/she seeks.
- ii. The Responding Party will make an opening statement to detail his/her position relative to the grievance.
- iii. The Grievant will present in full his/her grievance and may offer documentation to support his/her position and call the approved witnesses from his/her witness list.
- iv. The Responding Party may fully respond to the Grievant statement and/or offer rebuttal evidence, witnesses, etc. If Committee hears witnesses, they will be called by the Committee as needed. However, the witnesses will remain outside of the hearing room unless otherwise instructed by the Chair.
- v. The Committee may:
  - a. Ask questions of all parties and their witnesses;



- b. Call witnesses which it considers pertinent to reach a fair and just conclusion;
  - c. Allow closing statements from Grievant and Responding Party; or
  - d. Dismiss Grievant, Responding Party and others not pertinent to its deliberations while the Committee discusses the grievance, the evidence, testimony and the proceeding.
- vi. The Committee will reconvene and recommend a proposed relief to the Chancellor (President/Chancellor of SUBR) which may include, but is not limited to:
- a. Taking the matter under advisement if no decision can be reached at that time. Unless an extension is approved by the Chancellor (President/Chancellor of SUBR) the Committee's task is finished.
  - b. Render a decision in favor of the Grievant based upon the facts, evidence, and testimony and recommend to the Chancellor that the relief sought be granted.
  - c. Find that the grievance has no basis in fact which is supported by the evidence, testimony, and record presented and recommend that the relief sought be denied and the action of the Responding Party, if applicable, be upheld.
- vii. Within five (5) business days following the conclusion of the hearing or the Committee's deliberations, the Chair of the Grievance Committee will provide a written recommendation to the Chancellor (President/Chancellor of SUBR). The hearing record, which will include all documents, testimony, recordings, transcripts, written statements, etc., will be preserved and forwarded to the Chancellor (President/Chancellor of SUBR) and a copy to Human Resources.

The Grievance Committee hearing will be recorded by an acceptable method and the recording retained by the Chancellor's (President/Chancellor of SUBR) Office for at least one year following the conclusion of the proceedings.

Within seven (7) business days of receipt of the Grievance Panel findings, the Chancellor may meet and discuss the grievance with the employee to seek resolution. After the meeting, the Chancellor (President/Chancellor of SUBR) shall render his/her decision in writing to the employee and Human Resources within seven (7) business days.

## **OTHER MATTERS**

1. **Representation:** The grievant may be accompanied by a representative during the grievance committee process. This does include attorneys. The participation



of the representative will be limited to accompanying the party, unless a greater participation role is granted by the presiding official.

2. Confidentiality: Reasonable efforts will be made to insure the confidentiality of all closed proceedings, hearings and the records produced. However, should any matter arise during the course of the proceeding become public, the right to issue appropriate statements relative to the matter will fall to the Chancellor, who will consult with the System President/Chancellor.
3. Human Resources: Serves as facilitator of the entire grievance process. Human Resources shall monitor the process to ensure all employees are granted due process.

**FORMS**            See attached  
                          **(Southern University System Grievance form)**