

SECTION 806.05

Employee Grievances

Employee grievances are to be expected in any work environment, with numerous reasons for their origin. Valdosta State University is no exception, and although every grievance may not initially be considered a serious matter, the University wants to maintain a positive position in the quick resolution of problems which occur. The following paragraphs provide general information on the grievance procedure with more detailed information available in the Human Resources Office.

1. What is Not Covered

Not all employee complaints or grievances are acceptable or subject to corrective actions. The following examples, while not covering exceptions in their entirety, provide general guidelines on what grievances are excluded.

- a. Any matter which is subject to final administrative review outside Valdosta State University under law or the policies of the Board of Regents of the University System of Georgia.
- b. The content of published policy. Should published policy be in direct conflict with law or regulation, the employee should advise the Department of Human Resources which in turn will advise the President of the University and the appropriate staff member of the Regents Central Office.
- c. Non-selection for promotion or grievance related to salary increase unless there is specific evidence to show that said grievance relates to discrimination based on race, color, sex, religion, national origin, disability or age. The President's decision on all such matters, with this exception, shall be final at the institutional level with the Board of Regents representing the final review.
- d. A preliminary warning or notice of an action, which, if effected, would be covered by the grievance mechanism.

- e. Grievances by a temporary, probationary, or non-state funded employee relating to his or her separation.

2. Initiating a Grievance

It is the policy of Valdosta State University that all faculty and classified personnel have an opportunity to present their work-related complaints, when appropriate, through an **informal** dispute process. VSU will attempt to resolve promptly all disputes that are appropriate for handling under this policy.

An employee or group of employees who have a grievance which does not fall in the above categories may seek remediation. Two basic procedures are followed in expressing a grievance, the informal grievance procedure, which may include mediation or conflict resolution process and the formal grievance procedure.

a. The Informal Grievance Procedure

This is the initial step in expressing a grievance and requires that employee(s) work within their departmental organization in seeking redress. Informal grievances may be oral or written and should be directed to the first line supervisor. The employee should clearly identify the policy infraction involved, the date of the incident, and the preferred solution. If the grievance relates to the first line supervisor, the next organizational level may be used. Informal grievances should be initiated within five (5) working days of the action taken, for which redress is sought. Meetings not scheduled within the required timeframes may result in the issue being closed.

Normally grievances are solved at this level; however, the employee may elect to pursue the mediation/conflict resolution process or the formal procedure if no action is taken, or if it is not taken within a prescribed time frame, or if the incident or source of the problem recurs or if the supervisory solution proffered does not adequately address the problem.

i. Mediation or Conflict Resolution

Valdosta State recognizes the value of constructive conflict resolution. It promotes intellectual debate and heralds change, and as such, should be viewed as an opportunity for growth. On the other hand, the university also recognizes the benefits of resolving disputes through alternative means that are designed to decrease the reliance on adversarial processes. All departments are encouraged to resolve disputes effectively and fairly at the lowest possible level.

Valdosta State supports the goals of the Board of Regents' alternative dispute resolution "Initiative" whereby its employees may seek timely, equitable, and satisfactory resolutions to their disputes in an efficient and cost-effective manner, preferably at the first indication of a problem. Faculty and classified personnel are encouraged to seek an appropriate resolution to any conflict within the university through discussion with those persons and departments that may be involved. If this does not resolve the conflict, the parties may seek the assistance of the **informal mediation** (conflict resolution) process described in this policy. The university supports the practice of administrators, faculty and staff who consider having their disputes resolved through the mediation process prior to filing for formal proceedings. It is not the intent of mediation to be used as an appeal mechanism after decisions have been made which can only be resolved through more formal proceedings.

Mediation is a process through which a trained neutral(s) party facilitates settlement discussions between parties. The neutral party has no authority to make a decision or impose a settlement upon the parties. The neutral party attempts to focus the attention of the employees upon their needs and interests rather than upon rights

and positions. The mediation process is voluntary, confidential, private and privileged.

Limitations

The Conflict Resolution Program is available for all disputes between administrators, faculty and staff, with the following exceptions:

- Disputes that have been the subject of a final ruling or decision according to policies and procedures. For example, if someone has already been terminated, mediation is not available. Also, if the President has ruled on a grievance or appeal, then that decision must stand.
- Disputes that do not concern a matter which left unaddressed could result in either harm to the institution or discipline for an employee of the Institute. This rule is intended to give the Conflict Resolution Co-liaison the discretion to deny mediation for trivial matters, or for matters which have no relation to the official business of the Institute.

Off-Campus Mediators

At times, it may be appropriate to obtain a mediator(s) from off-campus. In these instances, the Conflict; it Resolution Co-Liaison will contact the Board of Regents' Consortium on Negotiation and Conflict Resolution (CNCR) to obtain experienced mediators from other institutions within the University System.

Mediations

Participation in mediations shall be voluntary. Time spent in mediation shall be considered part of an employee's normal working time. Employees shall not be required to take annual or other leave to participate in mediation; and, supervisors are strongly discouraged from authorizing the use of overtime for mediations. Supervisors shall make reasonable efforts to allow employees to participate in mediation. Both the mediator and the parties should normally consider the statements made during mediation to be private, and the mediator shall normally destroy any notes kept during

the mediation. However, there is no legal privilege that protects the statements made during mediations. All participants, including the mediators themselves, are required to report statements that reveal conduct that is criminal or poses a significant risk to the safety of others or the proper operation of Valdosta State University. The parties in mediation should reduce the resolution of their dispute(s) to writing when appropriate. Such written agreements must be consistent with the rules and policies of the Conflict Resolution Program. If appropriate, the mediator should remind the parties regarding the limits of their authority, and of the possible need to discuss the proposed resolution with their supervisors or with other departments on campus which may be affected or involved.

b. The Formal Grievance Procedure

Having exhausted the informal procedures, and/or not having utilized the mediation process, the employee may file a written grievance if the supervisor's actions are inappropriate, untimely, do not address the problem or otherwise provide adequate redress. All formal grievances must be in writing, expressing policy infraction, date of the incident, preferred action, and efforts taken through the informal procedure to correct the problem. Such grievances should be filed within five (5) working days from the date which the informal grievance procedure decision is rendered.

Written grievances should be directed to the Director of Human Resources or his/her designee who has been authorized by the President to review such requests for grievances and administer the formal grievance procedure.

Should the grievance be acceptable, a Committee of Review will be selected and a formal hearing date established within 10 working days of formal acceptance. Hearings not scheduled within the timeframes will result in the issue being closed. An administrative review, not requiring strict rules of evidence, will be conducted and the Committee of Review members will make recommendation(s) for resolution within ten

(10) days of the hearing's conclusion. Those recommendation(s) will be reviewed by the President and his vice presidents, with assistance from the Director of Human Resources and/or his/her designated representative. The employee will then be advised of the final decision at the institutional level within ten (10) days following receipt of the Committee of Review's recommendations by the President. Meetings not scheduled within the required timeframes may result in the issue being closed.

i. Time Extensions

While every effort will be made to meet response deadlines, there might be occasions when circumstances might preclude such action, i.e. vacation, business meetings, further review of the facts, etc. by the Committee of Review, etc. In such cases, the employee will be advised of the delay and results will be expedited when the recommendations are determined.

ii. Appeals

Employees shall be afforded due process in resolving grievances and shall have the right of appeal at each supervisory level. The decision of the President is the final decision at the institutional level and further recourse or review can be initiated by requesting review at the University System level within (20) calendar days from receipt of the President's decision.

iii. Retaliatory Action

Employees exercising their right to follow the established grievance procedures shall not be subjected to retaliatory action, harassment, intimidation or otherwise penalized for exercising their right to express grievances. Supervisors and other employees found using such tactics will find themselves subject to disciplinary action to include reprimand, possible suspension or dismissal, depending on the circumstances.



Such actions should be reported to the Department of Human Resources on the first occurrence, and the President and Vice Presidents of the University will be advised of the retaliatory acts and determine what disciplinary action shall be taken.