

## **MIDDLE GEORGIA COLLEGE EMPLOYEE GRIEVANCE PROCEDURE**

### **I. General**

The purpose of this procedure is to promote prompt and efficient resolutions of grievances that arise between employees and their supervisors or other employees subject to the limitations set forth below at Section VI, "Jurisdiction of the Board of Review."

All proceedings pursuant to this procedure will be conducted in a confidential manner.

The entire procedure, from the filing of a written grievance to the President's decision, if there is one, should not take more than sixty (60) days. All references to days are in working days.

No employee who uses this grievance procedure shall be subjected to retaliation of any kind for doing so. The employee may withdraw (in writing) the complaint at any point in this process.

The appropriate Title IX coordinator and the Section 504 coordinator will be immediately notified that the process to address grievances has been started in order to insure appropriate fairness and a process which meets federal guidelines for handling grievances and complaints. Before any proposed resolution or decision has been communicated to any party to the grievance, the coordinators will review the process and issue a determination of compliance with federal requirements and guidelines.

The Title IX coordinator and the Section 504 coordinator are: Title IX Contact (for non-students): Director of Human Resources, Chambers House, 478-934-3082, and the Section 504 Contact (for non-students): Director of Student Services, Wiggs Hall, 478-934-3023.

### **II. Proceedings: College Grievance Officer**

#### **STEP 1: Meeting of Employee with the College Grievance Officer**

An employee with a complaint (hereinafter, "the Employee") shall meet with the College Grievance Officer (hereinafter, "the CGO") at the earliest opportunity after the most recent incident which is the subject of the complaint. The CGO at present is the Affirmative Action/Equal Opportunity Officer. The Employee should be prepared to explain to the CGO all relevant facts and circumstances surrounding the incident or condition which is the subject of the complaint. After the meeting with the Employee, the CGO will notify the appropriate supervisors and/or administrators and determine whether all informal resolution processes have been exhausted before continuing on to Step 2.

#### **STEP 2: Filing of written grievance with the CGO**

Any written grievance shall be filed with the CGO on an Employee Grievance Form, which the Employee may obtain from the Personnel Office. The Employee is required to return the completed Grievance Form within five (5) days of the last meeting in Step 1 with the CGO.

The CGO shall send a copy of the Employee Grievance Form to the Employee's supervisor or other party against whom the Employee has a grievance (hereinafter, "Respondent") for a written response to the grievance as stated by the Employee. The Respondent shall complete the Grievance Response Statement and return it to the CGO within five (5) days of receipt.

The Respondent may meet with the CGO to discuss the grievance and response within five (5) days after such response is filed.

### **STEP 3: Meeting of Employee and Respondent with the CGO**

Within five (5) days after the completion of Step 2, or as soon thereafter as is practicable for all parties, the CGO shall meet with the Employee and the Respondent to discuss the grievance. The role of the CGO at this stage of the procedure is to inform the two parties of the **Policy Statement on Alternative Dispute Resolution (ADR)**. If the parties choose ADR, the procedure shall end. If no resolution is reached by using ADR, the parties shall proceed as set forth below.

The CGO may grant extensions on Steps 1, 2 and 3 based on circumstances of the Employee and the Respondent which could include schedule vacations, illness, administrative leave, and etc.

### **III. Proceedings: Board of Review**

#### **A. Notification of Board of Review by Chair**

If no resolution of the grievance is reached through the steps set forth above, the CGO shall forward the Employee Grievance Form and the Response Statement, completed by the Employee and the Respondent, to the Chair of the Board of Review (hereinafter, "the Chair"), within two (2) days after completion of Step 3. (The Chair shall have been appointed by the Vice President for Academic Affairs at the beginning of the academic year, in accordance with Section IV of this procedure.)

Within three (3) days of receiving the completed Employee Grievance Form and Response Statement, the Chair will notify four members of the Board of Review of the filing of a grievance and the need to schedule a hearing. (See Section IV of this procedure, "Appointment of Board of Review"). The Chair will notify three administrators and one staff member of the Board of Review to hear an administrative grievance, three faculty members and one administrator of the Board of Review to hear a faculty grievance, three staff members and one faculty member of the Board of Review to hear a staff grievance.

#### **B. Issuance of Notice of Hearing by Chair**

Within three (3) days of the notification of the Board of Review, and no fewer than five (5) days before the hearing is to be held, the Chair of the Board of Review shall issue a written notice of the hearing to the Employee, the Respondent, and the members of the Board of Review. The notice shall set forth the date, time, and place of the hearing, copies of the **Employee Grievance Form**, and a statement that the parties are responsible for the attendance of their own witnesses and the

presentation of any documentary evidence they wish to make a part of the record, including a notarized statement of any witness who is unable to attend the scheduled hearing.

### **C. Hearing Procedure**

1. The parties will be permitted to be accompanied by a non-participating advisor of their choice with whom they may confer during the course of the hearing.
2. The CGO may be in attendance at the hearing, but shall not act as an advisor to either the Employee or the Respondent.
3. The burden of proof of the allegations raised in the written grievance shall rest with the Employee.
4. The Employee shall have the first opportunity to present his or her case by narrative, testimony of witnesses, and presentation of documentary evidence. The Respondent shall then have an opportunity to present his or her response in the same manner.
5. Both parties shall have the right to question witnesses.
6. The Board of Review shall not be bound by legal rules of evidence, but shall hear all relevant evidence presented and ask necessary questions. The Chair of the Board of Review shall rule on any challenge raised to the admissibility of evidence, as well as any other objections made during the course of the hearing.
7. Public statements and publicity about any grievance or grievance proceedings shall be prohibited.

### **D. Determination of Board of Review**

Within ten (10) days of the hearing, the Board of Review, through its Chair, shall provide the CGO with its written determination for disposition of the grievance. The determination shall consist of specific findings of fact, based on evidence adduced at the hearing, and a course or optional courses of action for the institution and/or other individuals. The determination may include a dissenting opinion or opinions if the members of the Board of Review are unable to reach consensus.

The CGO shall forward the Board's findings to the Employee and the Respondent. The Employee and the Respondent will be informed in writing of their right to appeal the determination to the President.

### **E. Appeal to the President**

If either the Employee or the Respondent wishes further review of the grievance after the determination of the Board of Review, he or she may appeal the decision to the President within ten (10) days of the date of the Board's determination. Such appeal must be in writing, dated, and set

forth the specific grounds of the appeal.

#### **F. Decision of the President**

The President shall issue a final decision within five (5) days of the date of a timely appeal. The President's decision may adopt all, part, or none of the determination of the Board of Review. The President may request further information from the Board of Review and/or the CGO before rendering a final decision. The President shall apprise the parties of their right to request further appeal to the Board of Regents of the University System of Georgia pursuant to paragraph IX of the Bylaws of the Board of Regents.

#### **IV. Appointment of the Chair and Members of the Board of Review**

At the beginning of each academic year, the Vice President for Academic Affairs will appoint an academic or staff administrator to serve as Chair of the Board of Review for the upcoming academic year. The Vice President for Academic Affairs will also appoint three faculty members, three administrators, three staff representatives, and three staff supervisors from different departments to serve on the Board of Review. It is from this group that the Chair will appoint Boards of Review to hear any grievances that are filed during the upcoming academic year, in accordance with Section III.A. of this procedure.

#### **V. Jurisdiction of the Board of Review**

The Board of Review shall have jurisdiction to consider grievances of any full-time employee of the College, subject to the following limitations. Grievances heard by the Board of Review shall include but are not limited to the following, so long as they are properly and timely filed in accordance with procedure:

- A.** Complaints related to terms and conditions of employment.
- B.** Any grievance referred to the Board of Review for hearing by the President of the College or the Board of Regents of the University System of Georgia.
- C.** The grievance of any employee reporting to the President.

Questions of promotions, raises, tenure, and non-renewal of contracts shall not be within the purview of the Board of Review except where there is substantial evidence of illegal discrimination. Consideration of these issues - promotions, raises, tenure, and non-renewal of contracts - shall be reviewed only to the extent that they are related to illegal alleged discrimination; otherwise, they will not be considered.

Under Board of Regents policy, dismissals of tenured faculty or non-tenured faculty during their contract terms should be preceded by certain preliminary procedures and heard by a specially selected Hearing Committee, as set forth at Article VI, section B., paragraph d. of the Bylaws of the Board of Regents. These special cases are not within the jurisdiction of the Board of Review created by this Employee Grievance Procedure.

Revised04/01/98

**Step 2**

**MIDDLE GEORGIA COLLEGE  
EMPLOYEE GRIEVANCE FORM**

(Employee must meet and discuss grievance with the College Grievance Officer prior to completing this form)

Grievance Submitted By:

Name \_\_\_\_\_ Social Security# \_\_\_\_\_

Department \_\_\_\_\_ Title \_\_\_\_\_

Mailing Address \_\_\_\_\_

Home Telephone \_\_\_\_\_ College Extension \_\_\_\_\_

Please provide factual information in reference to the grievance (use additional pages if needed):

Summarize steps taken to resolve matter:

State what will resolve this matter to your satisfaction:

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

**Responding Department Should Use Other Side of Form**

**Form to be returned to: College Grievance Officer  
GRIEVANCE RESPONSE STATEMENT**

Responding Supervisor:

Name \_\_\_\_\_ Social Security# \_\_\_\_\_

Title \_\_\_\_\_ College Extension \_\_\_\_\_

Mailing Address \_\_\_\_\_

Supervisor's response to grievance:  
(Summarize steps taken to address grievance; use additional pages if needed)

\_\_\_\_\_  
Supervisor \_\_\_\_\_ Date \_\_\_\_\_ Signature of

Signature of Department Head \_\_\_\_\_ Date \_\_\_\_\_

To be Completed by Employee

Check One:

\_\_\_\_ I am satisfied with this decision \_\_\_\_ I am not satisfied with this decision

\_\_\_\_\_  
Employee \_\_\_\_\_ Date \_\_\_\_\_ Signature of

**Form to be returned to: College Grievance Officer**

**MIDDLE GEORGIA COLLEGE  
EMPLOYEE GRIEVANCE PROCEDURE  
Board of Review Findings & Recommendations**

Employee Information:

Name \_\_\_\_\_ Social Security# \_\_\_\_\_

Department \_\_\_\_\_ Title \_\_\_\_\_

Mailing Address \_\_\_\_\_

Home Telephone \_\_\_\_\_ College Extension \_\_\_\_\_

Board of Review Hearing:

Date of Hearing:

Findings of Fact:

Optional Courses of Action:

Recommendations:

Date Form Completed:

**Complete Other Side of Form**

**Board of Review should check the appropriate box and sign below.**

To the College Grievance Officer:

[  ] We have reviewed the information contained on this form and we agree with the recommendations outlined.

Signatures:

_____	_____	_____
Chair	Panelist	Panelist
_____	_____	
	Panelist	Panelist

[  ] We disagree with the recommendations outlined.

Signatures:

_____	_____	_____
Chair	Panelist	Panelist
_____	_____	
Panelist	Panelist	

Date Form Submitted to the College Grievance Officer

**Chair and Panelists may attached additional pages for opinions and comments.**