



Policy Number: IV.01
Policy Level: Operating Policy
Originally Issued: September 26, 2012
Revised: May 13, 2015
Reviewed: September 13, 2018
Reviewed: November 4, 2021
Policy Owner: President
Policy Implementation: VP for Financial Affairs

Employee Grievance Procedure

I. Policy Statement and Purpose

Athens State University promotes the open exchange of ideas among all University employees – faculty, staff, and administration. An environment conducive to the open exchange of ideas is essential for an institution of higher learning. However, the University recognizes that an individual may occasionally have concerns related to University practices, or that individuals may have differences which they are unable or unwilling to resolve among themselves.

When a situation arises that results in a grievance by a faculty or staff member, efforts will be made to determine the facts surrounding that grievance and to respond appropriately and justly. Every attempt should be made to resolve problems and grievances informally at the level at which they arise. When this is not possible, each faculty or staff member has the right to a hearing and an appeal for redress of grievance through established procedures.

This policy defines the procedures by which a University employee who has a grievance may pursue resolution of the matter of concern.

Use of these grievance procedures does not suspend or halt the decision or action that is the subject of the grievance process.

For purposes of this policy, “business day” is defined by any day that the University is officially open, regardless of whether classes are in session.

Retaliation against an employee for the filing of a grievance is a very serious violation of this policy and should be reported immediately. Any attempt to penalize or retaliate in any way against a person bringing, investigating, or cooperating with an investigation of a complaint or grievance is prohibited and will be treated as a separate incident to be reviewed on its own merit.

These procedures do not replace the right of a grievant to pursue other options or remedies available under state, civil, or criminal statutes and/or federal law.



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II. General Requirements for Grievance Proceedings

Access to Grievance Proceedings

Access to grievance proceedings is limited to:

- (a) faculty who are, or were, full-time University faculty members; or
- (b) staff who are, or were, full-time University staff employees,

when the action leading to the alleged grievance occurred.

Eligible Grievances

Eligible grievances are limited to allegations which specifically involve any of the following:

- (1) personnel or other actions which allegedly involve a misapplication or violation of University policies or procedures.
- (2) violations of state or federal laws not covered by other University policies.
- (3) appeals of a non-probationary staff member's (i) termination of employment, (ii) suspension without pay for twenty (20) days or more, or (iii) involuntary transfer with a loss in compensation, when any of the foregoing measures were used as a disciplinary action.
- (4) appeals of a tenured faculty member's (i) termination of employment, (ii) suspension with loss of pay, or (iii) transfer to another position with a loss of pay.
- (5) appeals of a non-tenure track faculty member's termination, where the termination occurs before the end of his/her term of appointment.
- (6) appeals of a tenure-track faculty member's termination (but not an appeal of a non-renewal).

Notwithstanding anything herein to the contrary, the following actions are not grievances subject to appeal and review under this policy:

- (1) Complaints related to instances of discrimination or harassment (of a non-sexual nature), which should be referred to the University's [Harassment and Discrimination](#) Policy.
- (2) Complaints related to instances of sexual misconduct, which should be referred to the University's [Sexual Misconduct Policy and Procedures](#).
- (3) Appeals of hiring and promotion decisions, except for challenges by unsuccessful candidates for tenure status under the [Continuation of Appointments \(Tenure\)](#) policy.



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- (4) Appeals of performance reviews.
- (5) Appeals of management decisions related to the manner in which an employee's work is classified or conducted, such as decisions about position classification/reclassification decisions; assignment/reassignment of office space/location; work schedule; work assignments; work supervision; work resources; or other working conditions.
- (6) Appeal of modification of job duties; salary adjustments or reduction in compensation and/or hours worked; or changes in employee compensation and/or benefits, due to restructuring, reorganization, layoffs, and/or some other exercise of management decisions involving generalized business considerations (such financial matters, operational efficiency, etc.), except for a tenured faculty member in the case of a salary or benefit reduction that is individually directed at that tenured faculty member.
- (7) Appeals of minor disciplinary measures, including verbal counseling, oral/written reprimands, and/or suspensions with pay.
- (8) Any involuntary transfer without loss of pay.
- (9) Any involuntary transfer with loss of pay or suspension with loss of pay, taken against an employee who is not a tenured faculty member or a non-probationary employee.
- (10) Any involuntary transfer of a non-probationary employee with loss of pay, due to restructuring, reorganization, layoffs, and/or some other exercise of management decisions involving generalized business considerations (such financial matters, operational efficiency, etc.).
- (11) Any involuntary transfer of tenured faculty to another position, without a loss or reduction in compensation.
- (12) Any suspension without pay of a non-probationary staff member for less than twenty (20) days.
- (13) Any termination of an employee who is not a tenured faculty member or a non-probationary employee; except for, (i) the termination of a non-tenure track faculty member terminated before the end of his/her term of appointment; or (iv) the termination of a tenure track faculty member (but not his/her non-renewal).



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- (14) Position elimination due to restructuring, reorganization, layoffs, and/or some other exercise of management decisions involving generalized business considerations (such as financial matters, operational efficiency, etc.), except in the case of tenured faculty.
- (15) Termination from employment of any faculty or staff (whether or not tenured faculty or non-probationary staff) based on felony conviction or inability to work due to incarceration after an adjudication.
- (16) Any challenge or appeal of any personnel action or decision that is the subject of, addressed by, or governed by Title 16, Chapter 24C of the *Code of Alabama*, to the extent that the challenge or appeal involves employees that were employed by the University on October 1, 2012 (unless such faculty members no longer retain any and all rights and privileges in Title 16, Chapter 24C, as extended by § 16-47A-11 of the *Code of Alabama*, as amended, due to, for example, a break in employment).
- (17) Matters that are already under review or for which a decision has been rendered under another process.

III. Time Limits

Failure of the administration to comply with the specified time limits entitles the grievant to carry the grievance to the next step. Failure of the grievant to comply with the specified time limits results in forfeiture of the right to pursue the grievance.

IV. Faculty Grievance Procedures

Informal Procedures

Faculty who have eligible grievances, as described above, must first consult informally with the appropriate department chair within **30** business days after becoming aware of the alleged grievable action. If the action is not related to a specific occurrence, then the faculty member should initiate informal consultation as soon as possible. The administrator must respond within **5** business days of the consultation. If not satisfied with the outcome of this consultation, the faculty member must within **5** business-days consult with the appropriate dean who must similarly respond within **5** business days of the consultation. If not satisfied with the outcome of consultation with the dean (or library director on case of library faculty), the faculty member must within **5** business days then consult with the Provost/Vice President for Academic Affairs who must respond within **5** business days of the



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consultation. If not satisfied with the outcomes of informal consultations, the faculty member may seek formal resolution.

If not satisfied with the outcome of informal consultations, the grievant must, if he/she chooses to continue with the grievance process, within **10** business days after receiving a response from the Provost, commence formal grievance procedures.

If the grievance relates to a termination, suspension, or transfer that qualifies as a grievance under this policy, then the grievant shall not utilize the informal procedures, and must commence formal procedures within **30** business days after becoming aware of the termination, suspension, or transfer.

Formal Procedures

In order to commence formal grievance procedures, a grievant will present a written statement to the CHRO/Assistant Vice President Director of Human Resources, on [Grievance Form A](#).

The form should state whether review is sought by the President or the Faculty Grievance Committee. If direct appeal to the President is elected, the grievant cannot subsequently appeal to the Faculty Grievance Committee.

The written statement must specify: the precise nature and grounds of the grievance; documentation of the grievance and identification of any charged parties; a summary of the results of informal consultations; and, the remedy being sought.

Note: It is the right of the grievant to withdraw a grievance at any stage of the process. Once withdrawn, however, the grievance may not be reinstated.

Review by President

If a review by the President is elected, the grievant must provide the President, through the submission to the CHRO/Vice President of Human Resources, with a written statement as a part of [Grievance Form A](#). Within **15** business days of receiving the written statement, the President shall provide a written decision to the grievant and to all parties named or involved in the grievance. The President's decision is final.

Review by Faculty Grievance Committee



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If a review by the Faculty Grievance Committee is elected, the grievant must provide the Committee, through the submission to the CHRO/Vice President of Human Resources, with a written statement as a part of [Grievance Form A](#).

The Faculty Grievance Committee is not empowered to evaluate the academic qualifications or professional competencies of the grievant. Such judgments are the responsibilities of the appropriate peer group and administrators. The Committee only examines the fairness and propriety with which grievable decisions affecting the grievant were made. The Committee considers whether procedures, rules, regulations, and standards were applied properly and in a non-discriminatory manner.

When hearing a case that involves the dismissal of a faculty member for adequate cause, the Committee will decide whether adequate cause for the proposed action has been established by the evidence in the record and will report its decision to the President of the University. If the Committee finds that adequate cause for dismissal has been established, but believes that a less severe penalty would be more appropriate, it will so recommend with supporting reasons.

In performing this function, the Committee shall have access to all facts relevant to the process used. For the Committee to have access to any confidential information, the Committee Chair must make the case with the President that access to such materials is essential. The President must obtain permission from the affected faculty member(s) before releasing any confidential information of the faculty member(s) to the Committee. The Committee represents neither grievant nor administration, but the faculty as a whole. The Committee makes recommendations to the President, and the President's decision is final.

General Rules and Procedures for Faculty Grievance Committee Reviews

1. The Faculty Grievance Committee is appointed by the President. It consists of five members and three alternates appointed by the President, and elects its own chairperson. The committee members will generally be employees of the University, but the President has the discretion to select persons other than University employees to serve as committee members. The President may excuse members from service on the Committee for good cause and replace them with alternates. If both the member and alternates are unable to serve, the President shall appoint other alternates.

The CHRO/Vice President of Human Resources will advise the grievant of the membership of the Committee. The grievant may request that Committee members deemed prejudiced be excused



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and replaced with alternates. The final decision on the need for replacements is vested in the President. The Committee members and alternates serve for terms assigned by the President.

2. Within **15** business days after the Committee is seated by the President or after receiving a written grievance, whichever is later, the Committee shall officially convene to decide by majority vote whether the grievance qualifies to be heard by the Committee. If more than one faculty member has filed the same or similar grievances, the Committee shall decide whether they shall be heard separately or collectively. If the Committee is unable to meet because of unavailability of members during summers or holidays, the President shall notify the grievant that all subsequent deadlines will be determined from the date on which the Committee does first meet to consider the grievance.
3. Within **5** business days after the Committee is officially convened, the Committee Chair shall inform the grievant, the President, and all parties named in the grievance of the Committee's decision on whether to hear the grievance. Should the initial meeting of the Committee be delayed for reasons specified in paragraph 2. above, the Committee shall convene as soon as is practicable and shall inform interested parties of its decision on whether to hear the grievance no later than 5 business days from the date of its meeting.
4. Within 5 business days of receiving the Committee's decision to hear a grievance, the grievant must provide written notice to the Committee and the President as to which of the following s/he chooses to follow: (a) withdraw the grievance, or (b) proceed with a hearing before the Committee. If a hearing is denied, the grievant must, within 5 business days of receiving the Committee's decision, provide written notice to the Committee and the President as to which of the following s/he chooses to follow: (a) withdraw the grievance, or (b) refer it directly to the President.
5. If the grievance is to be heard by the Committee, the Committee Chair shall send copies of the grievant's statement to all parties involved in the grievance prior to the hearing. The hearing shall be held within **20** business days following receipt of the grievant's decision to proceed with the hearing. The Committee shall provide at least 5 business days' notice of the hearing to the grievant and charged parties.
6. If the Committee declines to hear the grievance and the grievant chooses to refer the grievance to the President, s/he must include the grievance statement with the written notice of referral. Within **15** business days of receiving the written referral and grievance statement, the President shall provide a written decision to the grievant and to all parties named or involved in the grievance. The President's decision is final.



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Specific Rules and Procedures for Faculty Grievance Committee Reviews

1. The Committee shall limit its investigation to the issues brought by the grievant and may request that the grievant resubmit the alleged grievance with more specificity.
2. The Committee may hold preliminary meetings (with or without the grievant and other parties) to schedule the hearing and appearance of witnesses, to provide for the exchange of documents, and to achieve other appropriate objectives to assure a fair, effective, and expeditious procedure.
3. The grievant and charged parties may each bring an Athens State faculty colleague to the hearing to act as advisors only and with no right to speak. No legal counsel shall be allowed at the hearing.
4. The hearing will be recorded, using audio or video tape or some other electronic recording medium, at the option of the grievant or the University.
5. The hearing and related proceedings shall be confidential to the extent permitted by law. All parties shall treat all testimony and evidence as such, and the Committee's votes shall be kept confidential.
6. Legal rules of evidence and civil procedure do not apply. The Committee may admit any evidence which it deems to be of value.
7. The Committee, the grievant, and the charged parties may call witnesses to the hearing. The Committee may question the grievant, witnesses, and charged parties. Cross-examination may be conducted only by the Committee.
8. The Committee may call other witnesses necessary to ascertain relevant facts and shall have access to, and may consider, any pertinent, legally permissible University records.
9. At the hearing, the Chair shall introduce the case by summarizing the grievance. The Chair will also review policies pertinent to the case and will explain procedural requirements. The Chair shall maintain order at the hearing and may eject or exclude anyone who engages in disorderly or disruptive behavior.
10. The grievant may call witnesses, submit evidence, and/or present arguments in regard to the case. Witnesses and the grievant may be questioned by any member of the Committee but not by the person(s) against whom the grievance is made.



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11. The person(s) against whom the grievance is made may then present evidence, witnesses, and/or arguments. Witnesses and the person(s) against whom the grievance is made may be questioned by any member of the Committee but not the grievant.
12. The grievant and the person(s) against whom the grievance is made may present summary arguments.
13. The Committee shall, in executive session, discuss the evidence presented and the issues involved. The discussion and vote of the Committee shall be confidential to the extent permitted by law and there shall be no record made of the discussions. An effort shall be made to reach consensus among all Committee members. If consensus cannot be reached, an effort should be made to limit the recommendations to only two--a majority and a minority. If this is not possible, each individual or group may submit its recommendation.
14. The Chair shall summarize the evidence and present the Committee's conclusions and recommendation(s), based solely on the evidence presented at the hearing. The Chair will send the confidential report of conclusions and recommendations to the President within 5 business days of the hearing, with copies to the grievant, the Provost/Vice President for Academic Affairs, members of the Committee, and all parties named in the formal grievance.
15. Within **15** business days of receiving the Committee's recommendations(s), the President shall provide a written decision to the grievant, the Provost/Vice President for Academic Affairs, the Chair of the Faculty Grievance Committee, and all parties named or involved in the grievance. The President's decision is final.
16. At the end of each academic year, the Committee shall make a report of its activities during the course of the previous year. Copies of this report shall be sent to the President and the Provost/Vice President for Academic Affairs.

Termination of Tenured Faculty Due to Financial Exigency or Need to Discontinue or Substantially Modify Academic Program

If the administration issues notice to a tenured faculty member of an intention to terminate his/her employment due to a bon-a-fide financial exigency or demonstrable need to discontinue or substantially modify an academic program, unit, or department resulting in diminished personnel requirements, the faculty member shall have the right to utilize the faculty grievance procedures discussed above. The hearing need not conform in all respects to one conducted as if involving a



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termination for adequate cause, but the essentials of the hearing should be observed. The issues in the hearing may include, where applicable:

1. The existence and extent of the condition of the financial exigency.
2. The validity of the educational judgments and the criteria for identification for termination.
3. Whether any such criteria are being properly applied in the individual case.
4. The reasons supporting the decision to discontinue or substantially modify an academic program, unit, or department.
5. Efforts that have been made to place the faculty member in another suitable position.

In such cases, the Committee will decide whether the termination is fairly supported due to a bon-a-fide financial exigency or demonstrable need to discontinue or substantially modify an academic program, unit, or department resulting in diminished personnel requirements, and will report its conclusions and recommendations to the President of the University. The decision of the President is final.

V. Staff Grievance Procedures

Informal Procedures

Staff who have eligible grievances, as described above, must first consult informally with the appropriate department head or supervisor within 30 business days after the staff member becomes aware of the alleged grievable action, if the action is related to a specific occurrence. If the action is not related to a specific occurrence, then the staff member should initiate informal consultation as soon as possible. The department head or supervisor must respond within 5 business days of the consultation. If not satisfied with the outcome of this consultation, the staff member must within 5 business days then consult with the appropriate vice president who must similarly respond within 5 business days of the consultation.

If not satisfied with the outcome of informal consultations, the employee must, if he/she chooses to continue with the grievance process, within **10** business days after receiving a response from the appropriate vice president, commence formal grievance procedures.

If the grievance relates to a termination, suspension, or transfer that qualifies as a grievance under this policy, then the grievant shall not utilize the informal procedures, and must commence formal procedures within **30** business days after becoming aware of the termination, suspension, or transfer.



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Formal Procedures

In order to commence formal grievance procedures, a grievant will present a written statement to the Director of Human Resources, on [Grievance Form A](#).

The form should state whether review is sought by the President or the Staff Grievance Committee. If direct appeal to the President is elected, the grievant cannot subsequently appeal to the Staff Grievance Committee.

The written statement must specify: the precise nature and grounds of the grievance; documentation of the grievance and identification of any charged parties; a summary of the results of informal consultations; and, the remedy being sought.

Note: It is the right of the grievant to withdraw a grievance at any stage of the process. Once withdrawn, however, the grievance may not be re-instituted.

Review by President

If a review by the President is elected, the grievant must provide the President, through the submission to the CHRO/Vice President of Human Resources, with a written statement, as described above, as a part of [Grievance Form A](#). Within 15 business days of receiving the written statement, the President shall provide a written decision to the grievant and to all parties named or involved in the grievance. The President's decision is final.

Review by Staff Grievance Committee

If a review by the Staff Grievance Committee is elected, the grievant must provide the Committee, through the submission to the CHRO/Vice President of Human Resources, with a written statement, as described above, as a part of [Grievance Form A](#).

The Staff Grievance Committee is not empowered to evaluate the qualifications or professional competencies of the grievant. Such judgments are the responsibilities of the appropriate administrators. The Committee only examines the fairness and propriety with which grievable decisions affecting the grievant were made. The Committee considers whether procedures, rules, regulations, and standards were applied properly and in a non-discriminatory manner.

In performing this function, the Committee shall have access to all facts relevant to the process used. For the Committee to have access to any confidential information, the Committee Chair must make the case with the President that access to such materials is essential. The President must obtain permission from the



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affected staff member(s) before releasing any confidential information of the staff member(s) to the Committee. The Committee represents neither grievant nor administration, but the staff as a whole. The Committee makes recommendations to the President, and the President's decision is final.

General Rules and Procedures for Staff Grievance Committee Reviews

1. The Staff Grievance Committee is appointed by the President. It consists of five members and three alternates appointed by the President, and elects its own chairperson. The committee members will generally be employees of the University, but the President has the discretion to select persons other than University employees to serve as committee members. The President may excuse members from service on the Committee for good cause and replace them with alternates. If both the member and alternates are unable to serve, the President shall appoint other alternates.

The CHRO/Vice President of Human Resources will advise the grievant of the membership of the Committee. The grievant may request that Committee members deemed prejudiced be excused and replaced with alternates. The final decision on the need for replacements is vested in the President. The Committee members and alternates serve for terms assigned by the President.

2. Within **15** business days after the Committee is seated by the President or after receiving a written grievance, whichever is later, the Committee shall officially convene to decide by majority vote whether the grievance qualifies to be heard by the Committee. If more than one staff member has filed the same or similar grievances, the Committee shall decide whether they shall be heard separately or collectively. If the Committee is unable to meet because of unavailability of members during summers or holidays, the President shall notify the grievant that all subsequent deadlines will be determined from the date on which the Committee does first meet to consider the grievance.
3. Within 5 business days after the Committee is officially convened, the Committee Chair shall inform the grievant, the President, and all parties named in the grievance of the Committee's decision on whether to hear the grievance. Should the initial meeting of the Committee be delayed for reasons specified in paragraph 2. above, the Committee shall convene as soon as is practicable and shall inform interested parties of its decision on whether to hear the grievance no later than **5** business days from the date of its meeting.



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4. Within 5 business days of receiving the Committee's decision to hear a grievance, the grievant must provide written notice to the Committee and the President as to which of the following s/he chooses to follow: (a) withdraw the grievance, or (b) proceed with a hearing before the Committee. If a hearing is denied, the grievant must, within **5** business days of receiving the Committee's decision, provide written notice to the Committee and the President as to which of the following s/he chooses to follow: (a) withdraw the grievance, or (b) refer it directly to the President.
5. If the grievance is to be heard by the Committee, the Committee Chair shall send copies of the grievant's statement to all parties involved in the grievance prior to the hearing. The hearing shall be held within **20** business days following receipt of the grievant's decision to proceed with the hearing. The Committee shall provide at least **5** business days' notice of the hearing to the grievant and charged parties.
6. If the Committee declines to hear the grievance and the grievant chooses to refer the grievance to the President, s/he must include the grievance statement with the written notice of referral. Within **15** business days of receiving the written referral and grievance statement, the President shall provide a written decision to the grievant and to all parties named or involved in the grievance. The President's decision is final.

Specific Rules and Procedures for Staff Grievance Committee Reviews

1. The Committee shall limit its investigation to the issues brought by the grievant and may request that the grievant resubmit the alleged grievance with more specificity.
2. The Committee may hold preliminary meetings (with or without the grievant and other parties) to schedule the hearing and appearance of witnesses, to provide for the exchange of documents, and to achieve other appropriate objectives to assure a fair, effective, and expeditious procedure.
3. The grievant and charged parties may each bring a staff colleague to the hearing to act as advisors only and with no right to speak. No legal counsel shall be allowed at the hearing.
4. Legal rules of evidence and civil procedure do not apply. The Committee may admit any evidence which it deems to be of value.



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5. The hearing will be recorded, using audio or video tape or some other electronic recording medium, at the option of the grievant or the University.
6. The hearing and related proceedings shall be confidential to the extent permitted by law. All parties shall treat all testimony and evidence as such, and the Committee's votes shall be kept confidential.
7. The Committee, the grievant, and the charged parties may call witnesses to the hearing. The Committee may question the grievant, witnesses, and charged parties. Cross-examination may be conducted only by the Committee.
8. The Committee may call other witnesses necessary to ascertain relevant facts and shall have access to, and may consider, any pertinent, legally permissible University records.
9. At the hearing, the Chair shall introduce the case by summarizing the grievance. The Chair will also review policies pertinent to the case and will explain procedural requirements. The Chair shall maintain order at the hearing and may eject or exclude anyone who engages in disorderly or disruptive behavior.
10. The grievant may call witnesses, submit evidence, and/or present arguments in regard to the case. Witnesses and the grievant may be questioned by any member of the Committee but not by the person(s) against whom the grievance is made.
11. The person(s) against whom the grievance is made may then present evidence, witnesses, and/or arguments. Witnesses and the person(s) against whom the grievance is made may be questioned by any member of the Committee but not the grievant.
12. The grievant and the person(s) against whom the grievance is made may present summary arguments.
13. The Committee shall, in executive session, discuss the evidence presented and the issues involved. The discussion and vote of the Committee shall be confidential to the extent permitted by law and there shall be no record made of the discussions. An effort shall be made to reach consensus among all Committee members. If consensus cannot be reached, an effort should be made to limit the recommendations to only two--a majority and a minority. If this is not possible, each individual or group may submit its recommendation.



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14. The Chair shall summarize the evidence and present the Committee's conclusions and recommendation(s), based solely on the evidence presented at the hearing. The Chair will send the confidential report of conclusions and recommendations to the President within **5** business days of the hearing, with copies to the grievant, the vice president or head of the division of which the grievant is a member, members of the Committee, and all parties named in the formal grievance.
15. Within **15** business days of receiving the Committee's recommendations(s), the President shall provide a written decision to the grievant, the vice president or head of the division of which the grievant is a member, the Chair of the Staff Grievance Committee, and all parties named or involved in the grievance. The President's decision is final.
16. At the end of each academic year, the Committee shall make a report of its activities during the course of the previous year. Copies of this report shall be sent to the President.

VI. Responsibility for this Operating Policy

Policy Owner

As part of the initial approval of this policy by the President and subsequent to the original dissemination of the policy, the President remains the policy owner for the ongoing evaluation, review, and approval of this policy. Subsequent reviews and revisions to this policy must be in accordance with approved operating policy procedures and processes.

This policy will be reviewed every three years or more frequently as needed by the Policy Owner. Revisions will be reviewed/affirmed by the Cabinet and approved by the University President. This policy will be updated/published in the University's Policy Library. This policy may be changed, amended, and/or altered at any time, and no person has any protected right in any particular provision or process contained herein.

Responsibility for Policy Implementation

The President has assigned the responsibility of implementing this policy to Vice President for Financial Affairs.