



# University of North Alabama

## Employee Policy Manual and Handbook

### Grievance Policy

#### **GRIEVANCES**

A grievance is a complaint directed against another member or organization of the university community or against the University--including the departments, divisions, and colleges thereof--alleging improper, arbitrary, or discriminatory application of university rules, regulations, standards, practices, and/or procedures relating to the conditions of employment, or to other circumstances giving proper grounds for complaint. Grievance procedures do not apply to actions involving disciplinary suspension, dismissal, or other termination of employment for cause. For such actions, reference is made to the procedures under the Due Process Policy (contained in the [Faculty Handbook](#)).

#### **Informal procedures**

A grievance must be filed within fourteen (14) days\* of the event(s) that lead to the grievance. A grievant first must seek resolution or redress of the grievance informally through the established administrative channels beginning, according to the grievant's classification and to the nature of the grievance, with the official at the first or immediate level of authority, and, if required, continuing in the chain of authority to the next higher level. The complaint of a faculty member normally will be directed to the department head/director with continuation in line to the Provost and Executive Vice President for Academic Affairs; for staff, to the immediate supervisor/director and appropriate Executive Council member with continuation in line to the Associate Vice President for Human Resources (AVPHR). Following a thorough review of all information presented including discussions with all parties involved, the VPAA or AVPHR should provide a written response to the grievant at the completion of the process.

At any point during the informal process, the grievant may seek resolution with the [University Ombudsman](#).

#### **Formal hearing**

If, after exhausting recourse through informal procedures, the grievant still feels that a satisfactory remedy or relief has not been provided, the grievant may request a formal hearing within fourteen (14) days\* of receipt of the response from the Provost or AVPHR. The request shall be directed to the President of the University in writing and shall bear the grievant's name, current address, and telephone number; a clear statement of the nature of the grievance and the facts supporting it; the remedy or relief sought; the date; and the grievant's signature.

On receipt of the grievant's request, the President shall proceed to the establishment of a proper Grievance Committee to hear the case, as provided for under Grievance Committees below and shall give the grievant not less than seven (7) days\* advance notice as to the date, time, and place set for the hearing.

#### **GRIEVANCE COMMITTEE**

On proper request for a hearing, as hereinafter provided, the President of the University shall establish for grievance hearings an ad hoc committee of three persons. The committee shall be composed of university personnel appointed by the President, according to the classification of the person initiating the request, as follows:

**Committee Composition:** Committees shall be composed as follows:

- **University Faculty:** from the list of nine (9) nominees established for such purposes by the Faculty Senate at the beginning of each academic year.
- **Staff:** from among members of the university staff including recommendations from Staff Senate.

**Committee Selection:** Toward assuring a full and impartial hearing strictly on the merits of the case, due regard shall be given to appointment to committees of persons with appropriate expertise and without bias or direct interest in the outcome, to provision for peer representation where relevant, and to adherence to hearing procedures. Persons appointed to grievance committees who deem themselves disqualified by reasons of bias or interest may be excused. The grievant or accused shall have the right of challenge of committee appointments for cause and if in the judgment of the President a challenge is supported by adequate grounds, the member so challenged shall be excused. The President shall appoint replacements for members excused until a proper committee is established. The President shall designate one member of the committee to act as chair or may appoint an additional ex officio nonvoting member to act as chair. The committees may adopt supplemental rules and regulations for their governance and operation which are not in conflict with this resolution.

**Functions of the Grievance Committee:** The Committee or Committee Chair may confer with the grievant prior to the hearing to schedule witnesses, provide for the exchange of documents, and achieve other appropriate objectives to make the procedures fair, effective, and expeditious. In the hearing, the Committee may question the grievant and the witnesses presented by the grievant, may call such witnesses and examine such documents as it considers necessary, and shall keep a record of the hearing such as a recording or transcript from a court reporter.

The Committee's role is to investigate the complaint as presented to the Committee by the grievant, to obtain all the facts in the dispute, and to come to a conclusion as to whether or not the grievant has just cause for complaint. In grievances which are contractual in nature, the Committee's role is to determine whether or not the grievant has had all the benefits of the procedures afforded by the grievant's contract and the rules and regulations of the University, school, and department, and whether or not the decision which forms the basis for the complaint was the result of adequate consideration in terms of the relevant standards of the University, school, and department. It is not within the scope of the Committee to make judgments on the professional qualifications of the grievant, such being the responsibility of the administrators within the concerned department, school, and the University. The Committee shall be guided in its decisions only by the evidence presented at the hearing.

**Grievance hearing procedures:** A grievance hearing is not an administrative due process hearing and therefore does not include all of those procedures provided for in due process hearings; neither do formal rules of evidence apply. The hearing shall be confidential and only those persons concerned should be included in the hearing.

**Rights and responsibilities of the grievant:** It is the responsibility of the grievant to present all the facts and to prove the merits of the grievance. To this end the grievant shall state the grievance with specificity, shall be allowed to present witnesses and documents on the grievant's behalf, and to examine any other witnesses and documents presented. The grievant shall not be represented by counsel but may have the assistance of an adviser of his/her choice from among personnel of the university community.

**The Committee's report and final action:** Upon conclusion of the hearing, the Grievance Committee shall prepare a report summarizing the evidence and rendering its conclusions. Copies of the report shall be sent to the President. Within fourteen (14) days\* of the receipt of the report, the President, giving due weight to the report of the Committee, shall render a decision and so notify the grievant. The President's action shall be final, except that a grievant may appeal adverse findings to a subcommittee of the Board of Trustees.

It is at the discretion of the President whether or not a formal hearing is granted; the President reserves the right to remand the grievance to alternative forms of resolution.

*\*Excludes weekends, University recognized holidays, and periods during which the University is closed.*

*Approved by the Board of Trustees, 12/04/1992*

*Proposed Changes Approved by Shared Governance and University President, 02/10/2017*