

# Augusta University

## Policy Library

# Grievance Procedures for Classified Employees and Postdoctoral Fellows Policy

**Policy Manager: Human Resources**

### **POLICY STATEMENT**

Augusta University (“Augusta”) is committed to providing a good working environment for all employees. Conflicts and disagreements between active members of the Augusta community are inevitable. It is the policy of Augusta to resolve disputes fairly, and at the lowest possible level. When conflicts or disagreements occur, individuals should first attempt to resolve them through discussion with their supervisor. Augusta provides for a formal grievance procedure under certain conditions when resolution at a lower level does not occur.

This policy reinforces the institution’s commitment to provide a safe and amicable workplace for all and will outline the grievance procedures for classified employees and postdoctoral fellows.

### **AFFECTED STAKEHOLDERS**

*Indicate all entities and persons within the Enterprise that are affected by this policy:*

- Alumni     Faculty     Graduate Students     Health Professional Students  
 Staff     Undergraduate Students     Vendors/Contractors     Visitors  
 Other: This policy does not apply to employees covered by the Personnel Agreement between Augusta University and the Health System, and whose services are “leased” to the Health System under the terms of that agreement.

### **DEFINITIONS**

These definitions apply to these terms as they are used in this policy:

Grievance Hearing Committee: A designated group of staff and postdoctoral fellows who have been identified and trained to hear grievances and who may be asked to serve on a grievance hearing panel. The primary purpose of the Grievance Hearing Committee is to provide a pool of specially trained staff and postdoctoral fellows whose responsibility is to serve on the Hearing Panel.

Grievance Hearing Panel: A designated employee or group of employees assigned to consider a grievance filed by an employee, review the action taken, and make a recommendation to the Vice President of Human Resources. The grievance hearing panel will generally be comprised of three (3) individuals. To the extent possible, the panel's make-up will include a peer of the grievant, a peer of the respondent, and another individual who is neither. At least two individuals from the Grievance Hearing Committee will be a part of any grievance panel constituted when a grievance is filed.

Grievance Hearing Officer: The individual who will preside over the grievance hearing. This individual must come from the Grievance Hearing Committee and have been formally trained as a grievance hearing officer.

---

**Office of Legal Affairs Use Only**  
**Executive Sponsor: VP, Human Resources**  
**Next Review: 5/2029**

## **PROCESS & PROCEDURES**

**Employees and Postdoctoral Fellows:** Employees and postdoctoral fellows may file a grievance under the following circumstances:

- The employee has been suspended; or
- The employee has been discharged; or
- The employee has been demoted, or their salary has been reduced.

An employee may not file a grievance, even in the above circumstances, if:

- The discharge occurred during the six (6)-month provisional period;
- They have been adversely affected by a reorganization, program modification or financial exigency;
- The issue underlying the grievance is a charge of discrimination on the basis of race, sex, age, disability, or religion. Such charges should be directed to the Affirmative Action/EEO Officer.
- The issues being grieved have been previously heard by an administrative panel at Augusta University.

A grievance will not be available to dispute:

- performance evaluations,
- hiring decisions,
- classification appeals,
- challenges to salary decisions,
- challenges to transfers or reassignments,
- termination or layoff because of lack of work or elimination of position,
- investigations or decisions reached under the institution's harassment policy, and normal supervisory counseling.

### **Procedure for Filing a Formal Grievance**

An employee or postdoctoral fellow may file a grievance by completing Attachment A and submitting it to the Director of Employee Relations. Without good cause for the delay, a grievance must be filed within ten working days of the notice of suspension or discharge. If filed after that time, the grievance must be accompanied by a written explanation for the delay. The Vice President of Human Resources will rule on whether the employee had good cause for filing the grievance late. Good cause consists of fraud, severe illness, or other circumstances beyond the employee's control, which significantly impaired their ability to file the grievance.

The Director of Employee Relations shall refer any appropriate grievance to a Hearing Officer, and inform the appropriate manager or supervisor that the grievance has been filed. This manager or

supervisor would normally be the one who imposed the suspension or discharge underlying the grievance. For the purposes of the grievance, this manager or supervisor called the respondent. Hearing Officers will be appointed by Human Resources and trained by the Legal Affairs Office. The Hearing Officer is responsible for:

#### Assembling the Hearing Panel

- Assembling the Hearing Panel, appointing a Chair of the Panel, and providing them with copies of the grievance and other appropriate documents. See Attachment B.
- Making all arrangements for the hearing.
- Counseling both the grievant and the respondent concerning the hearing and answering their questions concerning the procedures that will be followed.
- Presiding at the hearing.

In his or her discretion, the Hearing Officer may require each party to submit, in advance of the hearing, a written statement of their position, copies of all documents to be produced, a list of witnesses who will be called, the identification of their advisor or spokesperson, if any, and any grounds which a party may have for questioning the fairness or impartiality of the Hearing Officer or any member of the Hearing Panel. Copies of any such materials should be given to the other party involved. In his or her discretion, the Hearing Officer may furnish any relevant documents to the panel members in advance of the hearing.

Hearings shall be held in private. Either party may request that the Hearing Officer remove any member of the panel on the basis that the panel member cannot be fair and impartial regarding the matter at issue. The Hearing Officer shall rule finally on all such challenges. If the Hearing Officer himself is challenged, the Vice President of Human Resources shall rule finally concerning that challenge.

The Hearing Officer shall preside and rule finally on all matters of procedure. The grievant has the burden by a preponderance of the evidence to show either: (a) that management's actions were based on alleged facts, which are untrue; or (b) that management's actions were unreasonably harsh. The order of the hearing is within the discretion of the Hearing Officer, but normally would include, in order:

- A brief opening statement by the grievant.
- A brief opening statement by the respondent.
- The presentation of documentary or testimonial evidence by the grievant. The grievant documents should be marked as, "G-1," "G-2," etc. If witnesses are called, the grievant shall question the witness, followed by the respondent, and then the panel members. At the Hearing

Officer's discretion, each party and the panel may continue to question a witness in turn so long as new and relevant testimony is being offered.

- The presentation of documentary or testimonial evidence by the respondent. The respondent's documents should be marked, "R-1," "R-2," etc. The questioning of the respondent's witnesses follows the same procedure as with the grievant's procedure, except that the respondent questions their witnesses first, followed by the grievant and then the panel.
- In the Hearing Officer's sole discretion, each party may present further documents or testimony to rebut evidence from the other side.
- A closing argument (not normally to exceed ten minutes) from the grievant.
- A closing argument (not normally to exceed ten minutes) from the respondent.
- A very brief final statement from the grievant.

The Script, Attachment C, may be used for the Hearing Officer's convenience. The parties may present any relevant written or testimonial evidence. Each party is responsible for arranging for the attendance of their own witnesses, though either party may request the assistance of the Hearing Officer if a witness has refused to come, or if a witness' supervisor has refused to allow them to attend. All supervisors should make all reasonable efforts to allow relevant witnesses to attend grievance hearings. All Augusta University employees are required to cooperate in grievance hearings if their testimony is relevant. Either side may bring one advisor or spokesperson to the hearing. This advisor or spokesperson should not be a potential witness at the hearing unless they are merely a character witness for one of the parties. The *advisor* may be anyone, including an attorney. Such advisors are not allowed to participate in the hearing, though they may advise the party for whom they are present. A *spokesperson* may be anyone from Augusta University who voluntarily agrees to be the party's spokesperson, and this spokesperson may help present the case. The Hearing Officer has the discretion to impose time limits within which each party must present their case. The Hearing Officer may require the attendance of witnesses or the production of documents other than those presented by the parties.

The Hearing Panel shall then deliberate in private. As stated above, the grievant has the burden to show that management's actions were based on alleged facts, which are untrue, or that management's actions were unreasonable harsh. In considering these questions, the panel should remember several points:

- The grievant has the burden to prove their case by a preponderance of the evidence. By saying that the grievant has the burden of proof, we mean that management does not have to prove that their actions were appropriate; rather, the grievant must prove that they were inappropriate. For the grievant to prove this, their evidence must amount to a "preponderance of the evidence." This phrase simply means that the evidence in favor of a point is more convincing than the evidence against it. In other words, if the weight of the evidence tips the scales in favor of the grievant, even slightly, then the grievant has established a preponderance

of the evidence. The weight of the evidence does not depend on how many witnesses or documents a side presents, but on how convincing and believable those witnesses or documents are.

- A grievant's past misconduct may be relevant, no matter how long ago it occurred.
- While progressive discipline is often appropriate, it is not required. For instance, just because a grievant has not been suspended or even warned, this does not mean that they cannot be discharged.
- The panel is not to decide whether they would have handled the situation in question the same way as management did. Rather, they should decide whether the underlying alleged facts are true, and if so, whether the actions taken by management were consistent with Augusta University policies, and whether these actions were reasonable under the circumstances. Different managers will inevitably impose different discipline for the same offense. So long as each manager's decision is reasonable, this does not violate Augusta University policies, and should not form a basis for recommending that the manager's decision be overturned.

The Hearing Panel is charged with making a recommendation to the Vice President of Human Resources based on the evidence presented at the hearing. The panel's recommendation shall be based on the findings and opinions of any two members of the panel. If any member disagrees with the recommendation of the panel, they should explain their dissent in the recommendation.

The Vice President of Human Resources shall forward the Panel's recommendations, along with his/her own, to the President within five working days, absent good cause. The President shall rule finally on the matter. An employee may appeal the decision of the President to the Board of Regents pursuant to sub-section 8.6 of the policies of the Bylaws of the Board of Regents of the University System of Georgia.

The Vice President of Human Resources may amend the attachments to this policy.

The Hearing Panel shall consist of three people from the list of panel members as selected by the Director of Employee Relations in coordination with the Grievance Hearing Officer. The Director of Employee Relations and the Grievance Hearing Officer may select panel members from outside the pre-selected list as necessary. In cases involving alleged conduct that did or could have adversely affected a patient, at least one panel member shall have relevant experience in the clinical area or field in question.

Absent good cause, the hearing should be held within fifteen working days of the submission of the grievance.

Note: Witnesses should not be allowed in the room where the hearing is taking place except when they are testifying. Of course, the parties themselves may be always present, even if they testify at some point during the hearing.

The recommendation must be issued within five working days of the close of the hearing, and should follow the suggested format and content in Attachment D, Sample Panel Recommendation document.

#### **FORMS & RELATED DOCUMENTS**

- [Statement of Grievance Template \(Attachment A\)](#)
- [Sample Letter \(Attachment B\)](#)
- [Script Template \(Attachment C\)](#)
- [Sample Panel Recommendation \(Attachment D\)](#)
- [Eligibility for Rehire \(USG Policy\)](#)
- [Grievance Policy \(USG Policy\)](#)

#### **RELATED POLICIES**

Intentionally left blank.

#### **APPROVED BY:**

Executive Vice President for Academic Affairs and Provost, Augusta University

Date: 6/3/2024

President, Augusta University

Date: 6/5/2024