



UNIVERSITY OF GEORGIA

GRIEVANCE POLICY

The University of Georgia (“University”) is committed to providing a positive working environment. In furtherance of that commitment, employees are expected to engage in open and respectful dialogue with others to attempt to resolve any conflicts or disagreements that may arise.

The purpose of this Policy is to provide a mechanism to resolve disputes between supervisors and employees fairly and at the lowest possible level and to promote a safe and amicable workplace for all.

APPLICABILITY

Subject to the exceptions below, a grievance is available:

- (1) To handle claims that a regular employee has been harmed by any action that violates the policies of either the University or the Board of Regents of the University System of Georgia ("the Board of Regents"); or
- (2) For disciplinary review requested by a regular staff employee who has been (1) dismissed; (2) suspended; or (3) demoted, or their salary has been reduced pursuant to the University’s policy entitled Conduct While Employed (http://policies.uga.edu/pdf/conduct_while_employed.pdf).

A grievance is not available to dispute:

- Promotion and tenure decisions;
- Challenges to grades or assessments;
- Performance evaluations;
- Dismissal during the six-month provisional period;
- Normal supervisory counseling that does not result in suspension, termination, demotion, or reduction of salary;
- Hiring decisions;
- Classification appeals;
- Challenges to salary decisions;
- Challenges to transfers or reassignments;
- Terminations or layoffs because of lack of work or elimination of position;
- Adverse effects from reorganization, program modification, or financial exigency (such employee may apply to the Board of Regents for review);
- Termination of “at will” temporary and student employees;
- Investigations or decisions reached under the University's Non-Discrimination and Anti-Harassment Policy, the University’s Sexual Misconduct Policy, or the University’s Workplace Violence Policy, Guidelines and Procedures; or
- Issues that have been previously heard by an administrative panel at the University.

GRIEVANCE AND DISCIPLINARY REVIEW PROCEDURES

(1) Departmental/Unit Grievance

All grievances must be reviewed at a minimum of two levels within the Grievant's employment unit, to include the head of the employment unit or his/her designee. However, if there is only one level of appeal within the Grievant's employment unit, the second appeal shall be made to the next higher level administrator in the organizational chart or their designee.

The initial appeal must be filed within 10 working days of the event that has given rise to the grievance. If the Grievant is unsatisfied with the decision reached at the first level, Grievant will have 10 working days from the date of the decision letter to appeal to the next level.

For each appeal, Grievant should provide a clear explanation of their concerns along with supporting documentation, if applicable. Absent a specific policy within the employment unit, there is no particular format required when filing a grievance at the first two levels.

(2) Petition for Review by the Grievance Committee

If the Grievant wishes to challenge the final decision of the Departmental/Unit Grievance, a Petition for Review must be submitted to the Office of Legal Affairs within 10 working days of the date of the final decision letter.

a. Petition for Review Form

A Petition for Review form, attached hereto, must be completed by the Grievant and must include the following information:

- Grievant's name and contact information;
- Department/Unit in which the Grievant is/was employed and job title;
- Date of adverse employment action;
- Nature of the problem or complaint;
- History of resolution efforts;
- Reason(s) the Grievant disagrees with departmental/unit response;
- Identification of any witnesses who may have relevant information regarding the complaint;
- Identification of documents relevant to the complaint;
- Grievant's requested resolution of the matter;
- Whether an oral presentation before the Grievance Committee is requested; and
- Any supporting documentation.

b. Grievance Coordinator

Upon submission of a Petition for Review, a Grievance Coordinator within the Office of Legal Affairs will be assigned to coordinate the expeditious and fair resolution of grievances and disciplinary reviews raised pursuant to this Policy. The role of the Grievance Coordinator is to assist the parties and the Grievance Committee in administering these procedures. To that end, the Grievance Coordinator will remain neutral throughout the proceedings and will serve primarily as a facilitator.

c. Grievance Documents

Any documents or other material the Grievant wishes to offer as evidence to the Grievance Committee must be submitted to the Grievance Coordinator simultaneously with the Petition for Review. The following procedures for exchange of information will then be followed:

- A copy of the Petition for Review and attached documents will be provided to the other party or parties to the dispute ("Respondent") by the Grievance Coordinator. The Respondent will have an opportunity to provide documents or other material to the Grievance Coordinator in response as well as identify witnesses.
- A copy of the Respondent's response will be provided to the Grievant, who will have an opportunity to state any objections they may have and provide documentation relevant to and in support of their objection.
- Should an objection be raised by either party to the relevance of any documents, the Grievance Coordinator will review such documents and remove those documents that are not relevant.
- Parties are not permitted to provide additional documentation or other materials at the time of the hearing unless specifically requested by the Grievance Committee. This is to ensure that all parties and the Committee have had an adequate time to review the materials.

d. Request for a Hearing

A Grievant who wishes to make an oral presentation to the Grievance Committee must make a request for a hearing in the Petition for Review. The purpose of a hearing is to provide an opportunity for individuals who may communicate more effectively in an oral presentation than in writing to supplement their written petition. If a hearing is requested, the representative of the employing unit or individual against which the appeal is directed will be afforded the opportunity to attend. If no hearing is requested, the review by the Grievance Committee will be based solely upon the written record.

e. Hearing Procedures

If a hearing is requested, the following rules will apply:

- Grievance coordinator will notify parties of the date, time, and place of the hearing;
- Formal legal rules of evidence do not apply in the hearing;
- The Grievant shall appear first in the hearing. Respondent and other parties shall appear after the Grievant in an order determined by the Grievance Committee. The Grievant and Respondent will appear separately unless otherwise determined by the Chair of the Grievance Committee. Parties will not be permitted to cross-examine each other during the hearing;
- In its discretion, the Grievance Committee may select and invite witnesses identified by either party or individuals they request to appear before the Grievance Committee. Selected witnesses may respond in writing to the Grievance Committee's request for information if they prefer; and
- The hearing will be recorded by the Grievance Coordinator.

f. Grievance Committee Members

The Petition for Review will be heard by three members of the Grievance Committee. This is a standing committee of University personnel appointed by the President for a specified term. Members of the Grievance Committee will be excused from service on a particular matter under the following circumstances:

- If the grievance involves an individual in the same department or unit as a Committee member; or
- If they have a personal or close professional relationship with any party to the matter or for any other reason that would cause a reasonable person to question their impartiality in the matter.

In the event a Committee Member is excused from service on a particular matter, the Grievance Coordinator will select the next available alternate to serve for that matter.

g. Standard of Review

The Grievant has the burden of proving by the preponderance of the evidence that the challenged action was wrongful.

h. Advisors

The Grievant may select an advisor or support person to assist with and advise the Grievant. An advisor or support person may attend the hearing but may not participate directly in the grievance process, except as provided below.

An advisor or support person may be authorized to participate in the hearing where Grievant is unable to present the information. Attorneys may be authorized to participate in the hearing if it appears that the hearing will in any way involve or relate to an indictment of or the existence of any criminal charge against the Grievant. If requesting authorization for an attorney, advisor, or support person to participate in the hearing, the Grievant must submit a separate written request to the Grievance Committee Chair at the time of submission of the Petition for Review. This request should include the reasons why the Grievant feels the participation is appropriate.

i. Findings of the Grievance Committee

When the Grievance Committee has received the information it deems necessary to render a decision in a matter it shall determine findings by a majority vote. The findings must be transmitted to the Grievance Coordinator within 10 working days of the conclusion of the hearing. The Grievance Coordinator will then transmit the findings and a report including relevant information to the President of the University.

j. Decision of the President

The President is the chief executive officer of the University and is authorized by the Board of Regents to exercise such supervision and direction as will promote just, effective, and efficient operation of the University. The President will use the findings of the Grievance Committee and the report of the Grievance Coordinator to reach a decision that best promotes these goals.

The President will furnish a decision to the parties after receiving and having a sufficient time to review the findings and report. The President's decision shall be final at the institutional level.

k. Discretionary Review by the Board of Regents

The Board of Regents reserves discretionary authority to review decisions made by institutions (<https://www.usg.edu/policymanual/section6/C2714/>). Any petition to the Board of Regents must be made within 20 days following the final decision of the President.

NO RETALIATION

Any attempt to intimidate or retaliate against a person for filing, responding to, or otherwise participating in a grievance is strictly forbidden. Any person who makes such an attempt will be subject to disciplinary action, up to and including termination of employment. If any person involved in the grievance process feels that they are being or have been retaliated against for participating in these procedures, they should immediately contact the Grievance Coordinator for review.

FEDERAL AND STATE LAWS

There are federal and state laws that cover school and workplace complaints and provide remedies for some school and workplace disputes. Participating in these procedures does not extend the deadlines within which to seek redress from outside agencies or initiate appropriate legal proceedings.

QUESTIONS

For any questions concerning this Policy, please contact the Office of Legal Affairs at 542-0006 or legal@uga.edu.

ATTACHMENT

Form: Petition for Review

POLICY REVISIONS

Revised August 2008

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