GRIEVANCE PROCEDURES FOR STAFF AND
ADMINISTRATIVE & PROFESSIONAL PERSONNEL

I. PURPOSE

To set forth a procedure for the resolution of grievances for Staff, Administrative and Professional employees.

II. DEFINITIONS

Employee: Refers to a non-faculty individual (exempt or non-exempt) currently employed by the University who has completed his/her probationary period.

Grievance: A grievance is an allegation by an employee that there has been a violation, misinterpretation, misapplication, or unreasonable application of a University policy, procedure, rule, or regulation regarding the employee's employment conditions.

Grievance Committee: A committee of the employees’ peers formed to assist employees in the resolution of employment related conflicts.

Grievance Hearing Panel: A subset of the Grievance Committee selected to review and make recommendations for the resolution of a specific employee grievance.

III. GENERAL POLICY

A staff, administrative, or professional employee who is seeking a solution concerning a disagreement, constituting a grievance, as defined in Section II above, may seek such a resolution using this policy.

Employees who feel they are being discriminated against because of race, color, sex, national origin, religion, age, veteran’s status, or disability should immediately and directly take the issue to the Office of Affirmative Action-EEO, which can be reached at (334) 844-4794 or via the web at http://www.auburn.edu/administration/aaeeo/.

While the University recognizes the employee’s right to file a grievance, the employee must discuss his/her concerns with the immediate supervisor and/or department head before filing a grievance. If the immediate supervisor is the alleged cause of the grievance, the grievant will take the concern to the next level of management. Experience shows that most concerns can be resolved informally at the supervisory level without the need for a formal grievance. The Human Resources Office provides mediation services to assist an employee in resolution of a problem or conflict.

Grievances based upon the termination of a non-probationary employee or the significant or continued reduction of pay as a result of disciplinary action qualify automatically for a hearing if a timely request is made by the grievant.

The grievance process is not a formal court proceeding, but is a peer review process for employees to resolve grievances.
IV. PRE-GRIEVANCE MEDIATION
Disputes between employees and supervision that are not settled through discussions between management or the Human Resources Department can be submitted to mediation. Management or the employee can request mediation. Either party can request mediation by notifying the Human Resources Department of their willingness to mediate. Mediation is a less formal means of settling disputes and is strongly encouraged as an alternative to filing a grievance. Both parties must agree to mediate, otherwise the process cannot proceed. Either party must notify the Human Resources Department within fifteen working days from the occurrence of the dispute of their intent to mediate. Human Resources have access to trained mediators available to facilitate the process. If you need assistance, please contact Human Resources at 844-4145 located in Langdon Hall.

Should there be a time line as to when an employee can request the mediation?

V. FORM
Copies of the official Auburn University Grievance Form are available from the Human Resources Office or via the web at http://www.auburn.edu/human_resources/forms/index.html. The form is to be used by all employees seeking resolution of a grievance under the grievance procedure. The Grievance Committee should not consider a grievance unless it is properly submitted on the official grievance form. The completed form shall be submitted to the Human Resources Office, which will be responsible for forwarding copies to the appropriate individuals.

VI. TIME LIMITS
The time limits prescribed in Article XII below must be strictly followed unless they are extended by mutual written agreement. Failure of the employee to adhere to the time limits shall result in his/her waiving all rights under the grievance procedure for the issue(s) raised in the grievance. Failure of the person(s) against whom the grievance is filed to adhere to the time limits will authorize the employee to move to the next step of the grievance procedure. An exception to this rule may be made in cases when the Grievance Committee Chair requires additional time to research the issues stated in the grievance.

VII. EXAMPLES OF ACTIONS WHICH ARE NOT GRIEVABLE
- Salaries
  - Hiring salaries
  - General salary adjustments
  - Promotional salary adjustments
  - Other salary adjustments
- Performance reviews
- Verbal counseling
- Voluntary resignations
- Position elimination due to restructuring and/or layoffs
- Position classification/reclassification decisions
- Hiring and promotion decisions
- Actions that fall within the purview of the AA/EEO Office
- Termination from employment during initial probationary period
- Termination from employment based on felony conviction or unavailability for work due to incarceration
- Termination from employment while in a temporary employment status
- Any action that cannot be substantiated with facts (i.e., Employee cannot bring forth a grievance based on assumptions, rumors, innuendo or gossip)
- Matters that are already under review or for which a decision has been rendered under another process

**VIll. EMPLOYEE ADVISOR**

Employees shall have the right to have one advisor of their choice present at each step of the grievance procedure. Such advisor may observe all proceedings and may only confer with the employee. The advisor has no formal voice in the process. The advisor, if also a University employee, shall, at such times as approved by the advisor’s supervisor, be granted the necessary time off during working hours to attend formal proceedings without loss of pay and without charge to annual or compensatory pay. The time needed to prepare grievance materials should be done on the employee’s time off.

The advisor may also be an individual selected from outside the University. However, if the advisor selected by either party is an attorney, notice must be provided to the remaining party through the Grievance Committee. In cases where a grievance is filed by a subordinate against a supervisor, a supervisor may not select an attorney as an advisor unless the grievant has chosen an attorney as his or her advisor. Attorneys must follow the same guidelines as other advisors with regard to participation in the grievance process.

**IX. WITNESSES**

Employees shall have the right to submit a list of potential witnesses to support their allegations. The Grievance Hearing Panel will make the determination as to which witnesses will be called to testify. *In the event that a witness is unable to attend the formal grievance proceedings, and the Hearing Panel has determined the witness has relevant information, an affidavit may be submitted.*

Witnesses will not be required to testify under oath. However, each witness who is an employee of the University should be aware that any deliberate falsehood can result in a disciplinary action against the witness.

The Grievance Hearing Panel may grant adjournments of reasonable length to enable either party to investigate evidence if the Hearing Panel believes a valid claim of surprise is made concerning that evidence.

Grievance Hearings shall be closed. No witness (except the parties themselves) will be allowed to hear the testimony of any other witness.

**X. RETALIATION**

No employee or faculty member is to take reprisal action against an employee who uses the grievance procedure, serves as an advisor, or participates in any way (e.g. witness) in the grievance process. Any employee or faculty member violating this prohibition against retaliation may be subject to disciplinary action, up to and including, termination. Additionally, no employee or
XI. WITHDRAWAL OF A GRIEVANCE

In certain instances, a grievance may be dismissed. All parties to a dismissal will be notified in writing. Examples of dismissals are withdrawal by the grievant, determination by the Hearing Panel, or voluntary resignation of the grievant. A voluntary resignation of employment from Auburn University by the grievant will automatically terminate the process of the Formal Grievance Hearing.

XII. STEPS IN THE GRIEVANCE PROCEDURE

Step 1:
An employee is expected to file a detailed grievance form, along with additional supporting documents as they deem necessary, to the Human Resources Office within forty-five (45) calendar days of the alleged occurrence. Once the grievance form has been filed, the Human Resources Office will forward a copy to the appropriate Chair of the Grievance Committee.

Step 2:
The Grievance Committee Chair has five (5) working days to make a determination as to whether or not the issue is grievable with assistance from Human Resources in an advisory role. If the Grievance Committee Chair determines that the issue is not grievable, he/she will mark the appropriate box, state the reason the issue is not grievable, sign the form and return to the Human Resources Office. If the Grievance Committee Chair determines that the issue is grievable he/she will mark the appropriate box, sign the form and then proceed to Step 3.

Step 3:
Once an issue is determined to be grievable, the Human Resources Office will forward a copy of the grievance form and statement to the person(s) against whom the grievance has been filed. He/she has ten (10) working days to provide a rebuttal statement upon receipt of the documents. When the person against whom the grievance has been filed has completed his rebuttal statement, it should be forwarded, along with all supporting documents, to Human Resources and the appropriate Grievance Committee Chair.

During this same ten (10) working day period, the appropriate Grievance Committee Chair will work with the grievant and the person(s) against whom the grievance has been filed to select a Grievance Hearing Panel from the Grievance Committee(s).

The Grievance Committee will consist of fifteen members appointed at-large from their respective governance group. A minimum of one member from each of the major vice presidential representative’s categories will be maintained on the committee at all times. The chair will be elected from within the Grievance Committee and will serve for a one year term.

The Hearing Panel will consist of 3 individuals. It will be the responsibility of the Grievance Committee Chair to determine who is available to serve on the Hearing Panel. Refusals should be based on strong reasons such as recent service on a large number of hearings, prior commitments that make service difficult to arrange, or knowledge of the parties or issues that makes it difficult to be impartial. The Grievance Committee Chair may, at his or her discretion, request a replacement panel member if extended illness or other circumstances prevent discharge of the Hearing Panel member’s responsibility.
A list of all eligible committee members who have not been recused will be supplied to both parties of the grievance by the Grievance Committee Chair. The grievant and the person(s) against whom the grievance is filed will each select one member from their respective Grievance Committee Groups. Each party will have two working days to make their choice. In the event that both parties choose the same person, the grievant will have an additional two working days to choose a second member. The third participant in the Hearing Panel will be selected by the two members of the newly appointed Panel from the Grievance Committee Groups. It is the responsibility of the Hearing Panel to select its Hearing Panel Chair.

Once the Hearing Panel has been selected, the Grievance Committee Chair will distribute all statements and will contact all parties to establish a hearing date and location.

Step 4.

The Hearing will be an informal proceeding. The Hearing Panel may admit any evidence that it considers to be of value in determining the issues subject to the Hearing Panel’s judgment as to the relevance, credibility and weight of the evidence. The Hearing Panel may ask the parties to produce evidence on specific issues, may examine witnesses, and may call and examine its own selection of witnesses. Both parties and the Human Resources Office will cooperate with the Hearing Panel in obtaining witnesses and making documents and other evidence available as needed by the parties or the Hearing Panel unless it is determined by the Vice President or President that the information sought is confidential and not subject to release. Each member of the Hearing Panel shall avoid any discussions of the case with the parties or their advisors before the hearing.

During the hearing, each party will have the right to ask questions of all witnesses appearing at the hearing and may rebut any evidence heard by the Hearing Panel.

An official record (tape recorded or otherwise) of the hearing will be made by the Hearing Panel. A copy may be made available to each party upon request.

The Hearing Panel will base its findings and recommendations solely on relevant facts surrounding the issues and material presented during the hearing. The Hearing Panel will render a consensus opinion. The Hearing Panel's findings and statements of recommendations shall be prepared in writing and submitted to the grievant, the person(s) against whom the grievance was filed, the appropriate Grievance Committee Chair(s) and Human Resources Office within fifteen (15) working days of the Hearing.

Human Resources Office will report the Hearing Panel findings and recommendations to the appropriate Vice President. If the Vice President was a party to the original grievance or the direct supervisor of the employee, then the findings and recommendations shall go to the President.

Upon receipt of the Hearing Panel’s recommendation, the Vice President will have thirty (30) calendar days to note his/her response on the Grievance Form, sign and forward to the Human Resources Office. The Human Resources Office will then notify all parties of the University’s final disposition of the grievance.

No employee will be entitled to more than one formal hearing on the same complaint.
Retention of all records, tapes, and committee notes will be returned to the Grievance Committee Chair who will submit them to the Human Resources Office for final retention.

Revised: 8/15/05

[Do we need to add this statement from the Staff – “Tenure and promotion records and records subject to the Family Education and Privacy Act shall be considered confidential”?]