

SECTION D GRIEVANCES

D-1 Grievance Procedures for Faculty and Staff

1. Faculty and staff members may request a grievance review in matters concerning conditions of employment and unlawful discrimination.
2. The grievance procedure does not apply to questions of salary, promotion, tenure, or nonrenewal of contract.
3. The first step in the grievance procedure is alternative dispute resolution (ADR).
4. The alternative dispute resolution process guidelines are as follows:

In the event that conflict should arise between employees of Gordon College, the first and most important consideration is that the persons involved in the problem should attempt to communicate and resolve the problem at the personal level.

Should employees in conflict find that they are not able to resolve the problem at the personal level, the Gordon College Campus Liaison for Alternative Dispute Resolution and members of the college's Conflict Resolution Committee are available for consultation. ADR is a confidential process intended to be nonthreatening and accessible to all employees and students of Gordon College. It is the employee's responsibility to first make contact with the ADR liaison or Conflict Resolution Committee member to make problems known and initiate the ADR process.

Once the employee(s) involved in the conflict contact the ADR liaison or a member of the Conflict Resolution Committee, steps will be taken to arrange a confidential mediation designed to allow disputants to air their concerns freely in a supportive but structured environment. All mediations shall be organized and shall proceed under the guidance of mediators and trainers certified through the Georgia State University Consortium for Negotiation and Conflict Resolution. The primary purpose of the mediation is to facilitate communication between disputants and allow disputants to find mutually agreeable terms for the resolution of conflict.

When an agreement is reached through mediation, it is expected that disputants will hold to the terms established and respect the results of the mediation process, which, while confidential, should be socially binding.

It is the responsibility of all who are involved in the ADR process to participate in good faith, seek to determine the respective interests of the conflicting parties, and create conditions for compromise. In the event that mediation breaks down or terms are not kept and conflict arises anew, further mediations can be arranged to the extent that the process remains practical and productive in the opinion of the disputants and the mediators involved therein.

In the event that the ADR process should fail, the ADR liaison or a Conflict Resolution Committee member may recommend further action for the disputants, although such recommendations are confidential and nonbinding. It is at this stage that the Formal Grievance becomes a valid option.

5. Grievances that are not satisfactorily resolved through the alternative dispute resolution process may then be addressed through the Formal Grievance Procedure.
6. The Formal Grievance Procedure is as follows:

The Formal Grievance Procedure shall begin with the grievant making known in writing his/her grievance to his/her immediate supervisor. A grievant who feels a grievance is not satisfactorily resolved at this level shall have the right to appeal, in writing, to the supervisor's superiors, one level at a time but not including the President, allowing a reasonable period of time (at each level this time period shall be seven (7) working days during which the appropriate supervisor is actually on campus) for action at each level.

All supervisory responses shall be in writing. Grievances which are not satisfactorily resolved after appeal by the complainant to each supervisory level may be taken to the chair of the Grievance Committee in writing. The chair will then make the necessary arrangements for a review of the grievance by a panel made up of three members of the Grievance Committee.

Responsibilities of the Chair of the Grievance Committee:

- A) To make arrangements for the review;
- B) To meet with the panel, the grievant, and the person named in the grievance, the respondent, to discuss the conditions under which the review shall be conducted;
- C) To preside over the review;
- D) To insure that the procedures for the review are followed precisely;
- E) To write the report on the faculty panel's findings;
- F) To deliver the finished report within seven (7) working days to the President and parties of the grievance.

A) Making Arrangements for the Review

The chair of the Grievance Committee begins the panel selection by allowing the grievant to select a member of the Grievance Committee for the review panel. The chair then selects a second panel member from the Grievance Committee. The two selected panel members then select a third member to complete the three-member panel.

The chair of the Grievance Committee presides over the panel as the panel chair and has no vote.

The chair shall secure a room at the earliest date. Each participant in the review shall have ten working days notice of the date and time of the review. Each panel member, participant, or witness shall be notified of the review via registered US mail with receipt.

B) Establishing Conditions

The chair shall determine the acceptability and availability of witnesses, pertinent written documents, and any additional pertinent information. The chair shall establish the length and method of presentation. The chair shall determine if there, is a conflict of interest with any of the panel members based on documented evidence. If so, the panel member will be replaced by another member of the Grievance Committee chosen by the chair.

All participants in the review shall be cautioned that the review is confidential and to avoid discussing the grievance outside the review process except with their advisors.

The chair will assure that a tape recording of the hearing is made and retained for use in the event an appeal is filed (In the event a written transcript is needed, the requesting party is responsible for all costs incurred).

C) Presiding at the Review

The guiding principle at the review is that any involved party shall have fair opportunity to be heard and is entitled to an advisor, excluding lawyers. The role of the advisor is to advise participants. The advisor shall not take an active role in the review. The chair shall ensure that the review is conducted in an orderly and impartial manner and insist that procedural determination of the panel be followed precisely.

The chair shall convene the panel, conduct and preside over the hearing, rule on motions of the parties, assist panel members, and facilitate the procedures of the panel.

D) Review Procedure

The chair may grant postponements (only if to proceed immediately would be unfair), and allow individuals to be questioned by the grievant and respondent. The chair will also designate a member of the panel to be in charge of audio recording the review.

In the first segment of the review, the grievant shall present his/her information. In the second segment of the review, the person(s) named in the grievance shall present his/her/their information. The remainder of the session shall be used by the panel to question the participants. Those present at the review shall be cautioned to avoid discussing the information outside the review process. If the review involves allegation of discrimination, the College's Affirmative Action Officer shall attend.

E) Report of the Panel

The written report of the panel shall be based entirely on information presented at the review. The chair of the panel has the responsibility of reporting the conclusions and the recommendations (if any), but he or she may delegate the responsibility. All conclusions and recommendations shall be determined by majority vote of the panel.

F) Delivery of the Report

After fairly considering the statements of all interested individuals and taking other submitted findings into account, the chair shall deliver the panel's written report to the President and to the participants. The President shall take the panel's report into account in making a final decision, which he/she shall render within seven (7) working days. The grievant should also be advised by the president in writing of his/her right to appeal to the Board of Regents for review of the President's final decision in accordance with the provisions of Article VIII of the Bylaws of the Board of Regents. The chair shall deliver to the grievant the panel's report either by hand or by certified US mail with receipt. Each member of the panel and the person named in the grievance shall receive a copy of the report.

D-2 Other Complaints

For all other complaints related to salary, promotion, tenure or nonrenewal, the next level of review following the President's final decision shall be the Board of Regents, in accordance with the provisions of Article VIII of the Bylaws of the Board of Regents. In cases of termination (dismissal) of tenured faculty or nontenured faculty during their contract term pursuant to Section 803.09 of the Board of Regents Policy Manual, an application for review may be directed to the Board of Regents, according to procedures set forth in Article VIII of the Bylaws of the Board of Regents. Complaints related to the termination (dismissal) of staff employees may be pursued through the procedures for appeal set forth in the Business Procedures Manual of the Board of Regents, Section II-K, Appeals. After exhausting the procedures set forth therein and obtaining a final decision of the President, a staff employee may apply to the Board of Regents for review of his or her termination in accordance with the provision of Article VIII of the Bylaws of the Board of Regents.