



Policy Directory

Responsible Division: Finance and Administrative Services
Responsible Office: Human Resources
Issue/Revision Date: 12/01/2017

Complaint and Grievance Procedure – Non-Faculty Personnel

Policy:

It is the intent of Alcorn State University to establish a procedure for the fair, orderly, and speedy resolution of disputes that sometimes arise between supervisors and employees. In order to provide a fair and equitable process, the University has established an internal review procedure that is accessible to all permanent employees. This shall serve as the University procedure for the resolution of job-related complaints and grievances.

The grievance procedure does not take the place of appeal procedures for employees who believe they have been subjected to discrimination in matters of employment. Neither does it address matters of sexual harassment. Matters involving discrimination or sexual harassment should be taken to the Director of Human Resources.

Applies to:

All permanent, nonacademic Alcorn State University employees, except student employees, probationary employees, Postdoctoral research associates, and temporary employees.

Definition:

For purposes of this policy, a grievance is an individual's claim that a violation, misinterpretation, or misapplication of a rule, policy or procedure has occurred in relation to personnel policies; including working hours, working conditions, leaves, promotions, and other conditions of employment.

Nongrievable Issues:

Employees do not have the right to appeal through the grievance process:

1. Issues related to salary
2. A supervisor's evaluation of performance
3. Determination of classification
4. Suspensions or reprimands.

Where there is a question of application, the Office of Human Resources will determine whether or not an issue may be appealed through the grievance process. If a matter is found to be nongrievable, Human Resources will work with the appropriate office to try and resolve the issue.

Informal Resolution:

The mutual interest of both the University and employee is best served when there is regular, open, and forthright communication. Employees should bring any work-related problem to the attention of their immediate supervisor as soon as possible after they arise. An employee who believed a justifiable job-related complaint exists should take steps to resolve the problem in a discussion with the immediate supervisor. The employee and supervisor shall attempt to resolve the problem at this level.

If informal attempts to resolve the issue are unsuccessful, and with the mutual agreement of the employee and supervisor, the Director of Human Resources may serve as mediator.

The employee may contact the Director of Human Resources if he/she does not believe the supervisor is approachable about the problem. The Director of Human Resources may meet with the employee, the supervisor, or both as appropriate, to assist in amicably resolving their differences. Human Resources will also provide advice on matters of policy interpretation, rights of employees and supervisors, and use of the formal grievance procedure.

Records:

The official records of the grievance process will be kept by the Office of Human Resources.

Time Limitations:

The grievance procedures set forth time limits for initiating action on each step of the procedure. If the employee does not initiate the process within the time allowed in any step, the grievance will be considered discontinued and no further review will occur. If a written grievance is not answered within the time allowed, the employee may send it to the next step. The Office of Human Resources may extend any time limit in the grievance process with the mutual agreement of both parties.

GRIEVANCE PROCEDURE:

Step 1

Department Head:

If the problem is not resolved to the satisfaction of the employee in the informal resolution stage, the employee may file a formal written grievance, using the **Employee Complaint and Resolution Form** located on the Human Resources webpage. The grievance must be in writing, signed by the employee, and submitted to the department head, with a copy to Human Resources, within five (5) days of the occurrence giving rise to the grievance, or when the facts pertaining thereto became known, or should have been known to the employee.

Within five (5) working days from receipt of the written grievance, the department head or his/her designee, will schedule a meeting with the employee, the immediate supervisor, and any other individuals the department head determines will assist in the investigation and resolution of the problem. If possible, the department head will resolve the problem at this meeting. The meeting shall be held within 15 working days from receipt of the written grievance.

Step 2

Hearing:

If the issue is not resolved in Step 1, the grievant may, within five (5) working days from receipt of the Step 1 response, file a written appeal with the Director of Human Resources.

The Director of Human Resources, or designee, will within five (5) working days from receipt of the written appeal, have the matter studied by a Grievance Committee established for the case. The committee will be comprised of three (3) full-time employees appointed by the Director of Human Resources.

Hearing Procedure:

The hearing will be conducted as an administrative hearing without restrictions and technical rules concerning evidence and burden of proof. It will, however, avail the employee the right to present witnesses and other evidence, and confront and question witnesses. Both the employee and department representative may be accompanied by an advisor or legal counsel of their own hiring. The advisor or legal counsel may not participate directly in the hearing. The hearing will be closed and confidential minutes of the proceedings will be made.

The committee will accumulate and study the facts of the case and will submit a written report and recommendation to the President/IEO, who will review the recommendation to determine the legality and practicality of the recommendation. The President/IEO will make the final decision, based upon review and information from the Grievance Committee, and will communicate the decision to the employee, in writing, with copy to the Director of Human Resources.

Upon completion of the hearing, the Grievance Committee will have five (5) working days to make a final decision. The Director of Human Resources will communicate the grievance committee's decision, in writing, to the employee and administration within five (5) working days.

Step 3

Appeal to President/IEO:

Decisions of the grievance Committee may be appealed to the President/IEO. An appeal must be filed within five (5) working days of the date the employee receives notification of the Committee's decision. The employee will be notified within five (5) working days of the President/IEO's decision. All decisions of the Grievance Committee will be subject to review by the President/IEO. The decision of the President/IEO is final. There is no right of appeal to the Board of Trustees.

Effect of Grievance on Management Action and Employee Status

Filing a grievance does not delay the effective date of employment action by Alcorn State University. Filing a grievance will not jeopardize the grievant position, opportunities for advancement, or salary increases.

An employee shall not be coerced by the department or by other employees in regard to proceedings with a grievance or appearing as a witness before the Grievance Committee.

The grievance record will not become part of the employee's permanent personnel file.

The employee will be paid at his/her regular rate for reasonable time spent, with advance permission, in discussion with supervisory or administrative personnel, or the Grievance Committee.

Alcorn State University policy forbids retaliation against any employee based upon the employee's participation in the grievance procedure.