

2.12.1 Staff Employee Complaints and Grievance Procedures

GRIEVANCE POLICY STATEMENT

It is the policy of Jackson State University to have an effective procedure for reviewing and resolving staff employee complaints and grievances. The University assures prompt and impartial consideration to any complaints which full-time, part-time (benefit eligible), and grant employees may have within the course of their work.

PURPOSE

It is the intent of Jackson State University to establish a procedure for the fair, orderly, and speedy resolution of disputes. In order to provide fairness and equity in the work environment, the University has established an internal review procedure that is accessible to full-time and part-time (benefit eligible) employees who have completed their probationary period of employment. This shall serve as the University procedure for the resolution of complaints and grievances against staff; however, sexual harassment and gender discrimination claims shall follow the University policy specific to that issue.

GRIEVANCE PROCEDURES

A complaint is defined as a claim of an individual employee alleging a violation, misinterpretation or misapplication of a rule, policy or procedure in relation to human resource policies, including working hours, working conditions, leaves, promotions, and other conditions of employment. All employees who have completed their probationary period of employment (and are benefit eligible) are covered by this policy. A complaint can only be brought by the adversely effected person or persons.

A grievance is a complaint that justifies an appeal to step four (4), as discussed in this policy. When there is a question of applicability, the Executive Director of Human Resources will determine whether or not an issue may be appealed through these grievance procedures. If a matter is found non-grievable, the Executive Director of Human Resources will work with the employee's department to try to resolve the issue.

Employees do not have the right to a grievance hearing for the following matters: issues related to salary, performance evaluations or ratings, work assignments, leave denials, employee layoffs, schedule and operation hours, organizational structures, filling of vacancies, transfers or where no constitutional right to due process exist. While these are not grievable matters, they may be appealed through the grievance process if the employee alleges he or she was discriminated against in violation of state or federal law.

When employees have complaints concerning difficulty on their job as stated above, the complaint procedures outlined below should be initiated within five (5) working days following the incident which caused them to believe that a complaint should be filed; or if the complaint is connected with termination, within ten (10) working days following termination from the University.

FILING A STAFF COMPLAINT

The University has a four-step staff complaint procedure, which is as follows:

- STEP 1:** **Supervisor, Department Chair, Dean, and/or Director**
Discuss the complaint or concern with their immediate supervisor, department chair, or Dean/Director to resolve the matter.

STEP 2: Vice President

If step "1" is not considered acceptable or does not meet the satisfaction of the employee, discuss the complaint or concern with the appropriate area Vice President.

STEP 3: Executive Director of Human Resources

If the issue is not resolved to a mutually satisfactory settlement in Step 2, the complainant may submit a written grievance statement within five (5) working days of the event giving rise to the alleged complaint or concern to the Division of Human Resources. The Executive Director or his or her designee may in consultation with appropriate University administrative staff perform an investigation and make a final decision. In the alternative, the Executive Director may refer the grievance to the Staff Grievance Committee for resolution.

STEP 4: Staff Grievance Committee

A Grievance Committee Hearing may take place only after a staff employee has exhausted all other administrative remedies as prescribed by the institution. Within ten (10) days after having been informed of the Staff Grievance Committee's recommendation, either party to the hearing may appeal the matter to the President by making the written request for such appeal to the Executive Director of the Division of Human Resources. The matter will then be forwarded, with the Committee's recommendation, to the President.

RULES GOVERNING THE APPEAL PROCESS

An appeal may be passed on to Step Four (4) above at any time if a request is made for a hearing and the Division of Human Resources determines that the issue is grievable, there is supporting evidence, and the matter has a substantial impact.

The Staff Grievance Committee will be comprised of three (3) full-time, non-academic employees appointed by the Executive Director of Human Resources. Upon completion of the hearing, the Committee will have five (5) working days in which to make a decision and forward the Committee's written recommendation to the Executive Director of Human Resources. The Committee's decision is not binding on the University.

Within five (5) working days of receiving the Committee's recommendation, the Executive Director of Human Resources will provide a copy of the Committee's recommendation to the parties, including the complainant and the appropriate administrator (and/or Respondent). Any Complainant or Respondent which participated in the hearing may request a review by the President in writing within 10 days of receipt of the Committee's decision. Such appeal will be decided by the President of the University. The President may concur with or choose not to accept the decision of the Staff Grievance Committee and/or the Executive Director of Human Resources. The decision of the President is final.

If a grievance is resolved by agreement at any stage of this policy, a grievance resolution form shall be completed by the Executive Director of Human Resources and the complainant. The signatures on the form will represent the party's agreement with the terms.

AVAILABILITY OF THE COMPLAINT PROCEDURE

The complaint procedure is available to all full-time, part-time (benefit eligible), and grant employees who have completed their probationary period. If such an employee holds a faculty appointment, he or she may use this procedure only for complaints relating to the non-faculty appointment, or if the complaint is against a staff member. Employees may use this procedure without penalty or fear of reprisal in that retaliation for good faith participation in this process is strictly prohibited. Particular attention must be given to the time period shown for each step.

CHARGE TO THE STAFF GRIEVANCE COMMITTEE

The Staff Grievance Committee's function is to conduct an administrative hearing which results in a recommendation to the President in the event either party appeals the matter to that level. A sufficient number of professional and support staff employees are appointed from a range of staff levels to ensure three (3) impartial members shall be available for the hearing. Any Committee member who has an actual or apparent conflict of interest with a party shall be replaced by an impartial substitute.

If a Staff Grievance Committee is convened to hear a grievance, it is charged with the following:

1. All information to be presented by the complainant and respondent during the Staff Grievance Hearing should be submitted to the Division of Human Resources at least five (5) days prior to the hearing. This should also include a list of any witnesses and advisors if applicable.
2. If the complainant chooses to bring an advisor to the hearing **it will be at no expense** to the University. The advisor may be an attorney-at-law, a faculty member, another staff member, a relative, or a citizen-at-large. If the parties involved wish to have legal counsel present at the hearing(s), they must inform the Division of Human Resources at least five (5) days prior to the hearing. The complainant representative may advise the employee, but cannot address the committee panel, question witnesses, or otherwise present the employee's case.
3. Because of the sensitive nature of the information involved, the hearing is closed to the public. The following persons may be present: the complainant, the respondent(s), an advisor for each party and the committee, a Human Resources representative, selected witnesses, and, at the University's discretion, a person for recording purposes.
4. The Chairperson of the Staff Grievance Committee is given discretion in orchestrating the hearing to ensure order and fairness. The Chairperson or designee shall describe the intended sequence and format of the hearing to the respective parties at the beginning of a hearing.
5. The majority vote carries.
6. Retaliation against the person who seeks relief, the complainant, or any advisor is forbidden.

7. The hearing may be recorded using appropriate media by the committee advisor, Human Resources representative, or other individual as determined by the Executive Director of Human Resources.
8. The Executive Director of Human Resources or designee (Human Resources Staff Member) shall serve as an advisor to the Staff Grievance Committee unless a conflict of interest exists. An alternate advisor for the committee may be appointed by the Executive Director of Human Resources.
9. Each party is responsible for securing the attendance of their respective witnesses. The list of witnesses should be submitted to the Division of Human Resources at least five (5) days prior to the hearing.
10. Witnesses should appear in person to present evidence; however, signed written statements may be obtained and used as evidence.
11. Witnesses appearing at the hearing shall present testimony and be questioned regarding their direct knowledge of relevant facts. Each witness is instructed not to discuss the hearing or the identity of the person(s) making the complaint or the accused with anyone. **All aspects of the proceedings must be kept confidential**, to the extent permitted by Mississippi law.
12. Fairness and consistency are exercised in recommending corrective action.
13. Hearings are to take place on normal work-days during working hours (Monday through Friday).
14. Any recordings or written records of the hearing, together with the findings and recommendation of the Committee, and a record of corrective action taken are placed in the confidential files in the Office of the Executive Director of Human Resources.

Exhaustion of Administrative Remedies. Failure to exhaust an available administrative remedy may adversely affect an individual's ability to later pursue a remedy elsewhere. Therefore, aggrieved persons are encouraged to timely make use of this process.

Election and Waiver. A complainant cannot submit an issue in a grievance where that specific issue has previously been addressed in a prior grievance, court of law, or other government body whose authority the University is subjected. If an issue in a grievance is a material part of a case or charge filed by the complainant before a court, tribunal, or appropriate federal agency, the complainant will be deemed to have elected an alternate forum and will not have a right to simultaneously pursue a University grievance hearing. However, in this situation the complaint procedure would apply through Step three (3).

STAFF GRIEVANCE RESOLUTION FORM

Name _____

Date _____

Title _____

Department _____

Action Plans:

1. _____

2. _____

3. _____

4. _____

Signature: Director/Vice President _____

Date _____

Employee Signature _____

Date _____

STAFF GRIEVANCE COMMITTEE RECOMMENDATION

Complainant _____

Date of Hearing _____

Title _____

Department _____

Recommendation(s):

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Chairperson, Staff Grievance Committee