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The purpose of the grievance process is for situations that must be presented to a neutral body for a recommendation to be presented to the Provost who will decree a resolution to the situation. Furthermore, whenever possible and reasonable, attempts to resolve situations should be undertaken at the level at which they arise.
Eligibility

University faculty or those who were faculty when the situation arose.
A grievance is a situation where allegedly one of the following has occurred:

1. A violation of institutional policy has occurred;
2. Unfair or wrong use of procedures in matters concerning renewal of appointments or nomination for tenure or promotion;
A grievance is a situation where allegedly one of the following has occurred:

3. Employment rights were affected; or
4. Administrative mishandling
   - performance evaluations,
   - departmental assignments or
   - other working conditions.
Other situations may be grievable if the Screening Committee makes that determination on a case by case basis.

The grievance process may be undertaken by a group of faculty on a single situation.
Grievance Process

1. In many cases, before any formal grievance is filed there shall be an informal discussion between the individual(s) directly involved.
Grievance Process

a) The informal discussion or attempted request for such must be formally documented.

b) The immediate supervisor should be provided documentation and participate in the informal discussion.

c) A minimum of ten (10) working days must be allowed between the request for informal discussions or the discussion itself and the beginning of formal grievance process.
2. A grievance notice shall be submitted after the initial ten (10) days or after a resolution at the level where the situation arose cannot be agreed upon.
3. The grievance notice must be signed, dated and filed with the Director of Human Resources and must contain the following:
Grievance Process

a) a brief account of individuals and events;
b) an account of how the grievant was affected by the situation;
c) a concise listing with dates (timeline) of steps taken to resolve the situation;
d) results of required attempts for resolution; and

e) a brief specification of the redress sought.
Grievance Process

- The grievance notice must be filed with the Director of Human Resources.

- The Director of Human Resources and the Faculty Senate President will randomly select three (3) qualified faculty to serve on a Screening Committee.
Grievance Process

• A meeting for the Screening Committee to review the grievance notice will be scheduled.

• The Screening Committee will determine if the complaint meets the requirements and the offence merits a grievance.

• If the screening committee decides the former in the affirmative, then seven (7) faculty will be randomly selected to serve on a Hearing Committee.

• Each of the parties named in the grievance notice may strike one (1) member of the committee so that the committee will have a minimum of five (5) faculty.
Grievance Process

- The faculty senate president shall notify the Director of Human Resources and the faculty selected to serve on the hearing committee and direct them to meet within five (5) business days to select a chair.

- The Director of HR shall attend the first Hearing Committee meeting to provide copies of the grievance notice and answer any questions about the grievance process only.

- The Hearing Committee members will elect a Grievance Hearing Chair.

- Those serving on the Screening Committee for a particular grievance notice will not be allowed to serve on the Hearing Committee for that grievance notice.
Grievance Process

- To be included in the grievance committee pool and to serve on a Screening or Hearing Committee, a faculty must be classified as full time with status and rank.

- The Grievance Hearing Committee shall meet on call by the Chair as set forth in Section E.1.
  
  E.1. to call meetings of the Grievance Hearing Committee, as necessary, to gather and review information; conduct the hearing; deliberate and form a written decision to submit to the Provost, Director of Human Resources and all involved parties;
Functions of the Chair of the Grievance Committee

The duties of the chair shall be to:

1) call meetings of the Grievance Hearing Committee, as necessary, to:
   a) gather and review information;
   b) conduct the hearing;
   c) deliberate and form a written decision to submit to the Provost, Director of Human Resources and all involved parties;

2) be the point of contact for the grievant and those named in the grievance notice;

3) schedule, preside over and maintain order at the hearing;
The duties of the chair shall be to:

4) provide rulings relative to procedural issues in dispute;

5) maintain committee records, documents, and evidence pertaining to the grievance.

6) submit the original copy of all records, documents and evidence to Office of Human Resources with the transmission of a copy of the Committee’s recommendation to the Office of the Provost.

7) provide the Office of Human Resources with a complete copy of the entire grievance file within thirty (30) days of the close of the official hearing.
1. A hearing may be requested only after the alleged grievance has been clearly identified with the person(s) against whom it is being directed and after reasonable efforts to resolve it, including appeal to immediate superiors, have failed.

2. A statement of an alleged grievance from the grievant shall be made in writing to the Office of Human Resources

   a) The grievant must send the grievance petition by certified mail ONLY
3. Upon receipt of a grievance notice, the Faculty Grievance Screening Committee is to determine:

a) whether the persons involved are subject to this procedure;

b) whether the issue under consideration constitutes a grievance; and
3. Upon receipt of a grievance notice, the Faculty Grievance Screening Committee is to determine:

c) whether the faculty members filing the grievance have complied with the following conditions:

a) attempted informal resolution were applicable and reasonable, and

b) sent the grievance petition in proper form by certified mail to the Alabama A&M University Office of Human Resources within the required time periods
4. Upon receipt of the grievance notice, the Faculty Grievance Hearing Committee must follow the procedures listed below:

a) elect a Faculty Grievance Hearing Committee Chair;

b) notify all parties named in the grievance notice

c) schedule a hearing (date, time and place).

5. A university secretary may designated to perform clerical functions for the Committee
6. There shall be no formal rules of evidence.
   
a) Questions of procedure shall be resolved by the Grievance Hearing Committee Chair.

b) Personal contact concerning the grievance between the Grievance Hearing Committee Chair and participants in the hearing prior to the official meeting shall be limited to procedural matters only.

c) With the exception of the Chair, members of the Grievance Committee are not permitted to have any contact concerning the grievance with any hearing participants.
Grievance Procedure

7. Each party may present its own witnesses.
   
   a) A list of witnesses to be heard shall be submitted to all parties at least ten (10) days in advance of the hearing.
   
   b) The presence of witnesses at the hearing is the responsibility of the party calling the witnesses. University employees shall be excused from their regular duties to participate in the hearing.
   
   c) Each witness shall be questioned by the parties and by members of the Committee in accordance with procedures established by the Grievance Hearing Committee Chair prior to the beginning of the hearing.
7. Each party may present its own witnesses.
   
   d) Witness participation is limited to a brief specification of the event regarding the grievance notice and direct and concise responses to questions asked of them by the parties or committee members.
   
   e) A written statement of testimony in the form of a sworn and notarized affidavit from a witness may be permitted, subject to the agreement of all parties.
   
   f) The party offering testimony through an affidavit must submit the affidavit to the opposing party and the committee at least ten (10) days prior to the hearing.
Grievance Procedure

8. Each party may present evidence.

9. The Grievance Hearing Committee shall have access to all information from University sources which it considers necessary to reach a decision in the case.

10. The Grievance Hearing Committee may hold pre-hearing meetings to simplify the issues and determine the rules of procedure and evidence to be used.

11. The decision of the Committee shall be based exclusively on evidence presented at the hearing.
12. The following hearing procedure is intended to be used in grievance proceedings:

a) Opening statement by the grievant

b) Opening statement by the respondent (e.g., accused party)

c) Grievant’s Case In Chief (e.g., presentation of evidence and witnesses)
12. The following hearing procedure is intended to be used in grievance proceedings:

d) **Respondent’s Case In Chief** (e.g., presentation of evidence and witnesses)

e) **Closing statement by the grievant**

f) **Closing statement by the respondent**
13. The close of the official hearing shall take place no later than thirty (30) days following its opening.

- The official hearing opening is the date of the first Hearing Committee Meeting.
- The hearing committee will cease to collect evidence or take witness statements on that date.
Grievance Procedure

A recommendation to the Provost with copies sent to all parties:

i. Grievant,
ii. Respondent,
iii. Grievance Committee, and
iv. Office of Human Resources

shall be made in writing by the Grievance Hearing Committee Chair within thirty (30) days of the close of the official hearing.
14. The provost will render a final disposition of the case including a summary of all actions taken, which shall be made known in writing to all parties.
15. Either party may file a written appeal of the Provost’s disposition of the case to the President.

The President’s decision shall be final.

16. Exhibits, and other documents pertinent to the hearing shall be retained in the Office of Human Resources.
17. When the grievance is filed for tenured faculty termination, the order of case presentation at the hearing will reverse with the administration being required to present their case for termination first and the grievant responding.
Grievance Form

Alabama Agricultural and Mechanical University
Office of Human Resources

Faculty Grievance/Complaint Form

The grievance/complaint procedures for faculty is in the Alabama A&M University Faculty Handbook (Revised September 2011), Section 6.3. Please follow these procedures when filing a grievance/complaint.

Before any formal grievance is filed, when applicable, a written report shall be an informal discussion between the individuals considering undertaking the grievance process and those who allegedly committed the grievance. The informal discussion or attempted request of such must be formally documented (written letter, email, etc.). Where applicable, the immediate supervisor should be provided with pertinent documentation and participate in the informal discussion. A minimum of ten (10) working days following the formal request with no response or if the request is not received, the process must be allowed prior to beginning the formal grievance process.

~ Personal Information ~

Date: ___________________________
Name: __________________________
Telephone number: __________________________
Address: __________________________
City and State: __________________________

~ Employment Information ~

Position: __________________________
Department: __________________________
Immediate Supervisor: __________________________
Telephone number: __________________________

~ Grievance Information ~

Explaination of grievance/complaint and date it occurred. Include identification of any University policy violated. (You may use additional sheets while completing form)

_______________________________________________________________
_______________________________________________________________
_______________________________________________________________
What corrective action is desired at this time?
_______________________________________________________________
_______________________________________________________________
_______________________________________________________________
Signature: __________________________

~ Hearing Screening Committee Determinations ~

Is the complaint grievable? YES [ ] NO [ ] Signature: __________________________

Grievance Committee Chair

Submit form to the Human Resource Director after determination.

Grievance Hearing: Date ____________ Time ____________
Place: __________________________

PEX – Grievance/Complaint form Revised October 2011
Right to Representation

In this procedure each party involved in the hearing may be accompanied by no more than one (1) other person of his or her choosing (representative/advisor).

The opposing party shall be given prior notification of representation at least ten (10) days prior to the hearing in order to have a representative/advisor present if desired.

The representative/advisor may not participate in the hearing and may not replace or stand in for the grievant or respondent.
Withdrawal of Grievance

- The grievant(s) may withdraw from the grievance procedure at any stage of the process but may not reinstate once withdrawn.
- The request to withdraw must be made following the same procedure as the initial filing of the grievance (i.e. by certified mail to Human Resources).
When the issue of a grievance is resolved or becomes moot for any reason prior to the official hearing on the matter, the grievance will be considered as administratively closed.
No reprisal/retaliation shall be brought against any person for participating in any way under this procedure. Such reprisal may be grounds for instituting another grievance or disciplinary action.
Important Timelines

- **A minimum of ten (10) working days** must be allowed between the request for informal discussions or the discussion itself and the beginning of formal grievance process.

- **After the initial ten (10) days** and failing a resolution at the level where the situation arose, the grievance notice shall be filed.

- **Within five (5) business days** the faculty senate president shall notify the Director of Human Resources and the faculty selected to serve on the hearing committee and direct them to meet to select a chair.
Important Timelines

- **Within thirty (30) days** of the close of the official hearing, the Grievance Hearing Chair shall provide the Office of Human Resources with a complete copy of the entire grievance file.

- **At least ten (10) days** in advance of the hearing, a list of witnesses to be heard shall be submitted to all parties.

- **At least ten (10) days** prior to the hearing, the party offering testimony through an affidavit must submit the affidavit to the opposing party and the committee.
Important Timelines

- **No later than thirty (30) days** following its opening, the close of the official hearing shall take place.

- **Within thirty (30) days** of the close of the official hearing, a recommendation to the Provost with copies sent to all parties shall be made in writing by the Grievance Hearing Committee Chair.

- **At least ten (10) days** prior to the hearing, the opposing party shall be given prior notification of representation in order to have a representative/advisor present if desired.
Notes to Remember

• Grievance Committee is not a standing committee, but a pool of all full time status & rank faculty.

• If Human Resources does not receive the statement of an alleged grievance from the grievant by certified mail, that the grievance has not been filed.

• A copy of the Faculty Handbook which outlines the University’s Faculty Grievance Process can be found on the Office of Human resources website at http://www.aamu.edu/administrativeoffices/hrservices/pages/handbooks.aspx
QUESTIONS?