

**NORTH GEORGIA
COLLEGE & STATE UNIVERSITY
POLICY AND PROCEDURE MANUAL**

P & P NO 885.0

EFFECTIVE
DATE July 1, 2004

REVISED
DATE Feb 10, 2010

SUBJECT: Dispute Resolution

I. POLICY

- A. North Georgia College & State University is committed to providing access to internal processes which have as their objective the prompt and fair resolution of employee concerns.
- B. Nothing in this policy should be interpreted as (1) eliminating or even diluting the responsibility of a manager to attempt immediate and impartial resolution of issues which occur within their area of responsibility, or (2) providing a forum for a hearing on matters involving the exercise of legitimate managerial discretionary authority.
- C. Any classified employee or administrative officer working at least .50 FTE (full-time equivalency) who has completed the provisional employment period is eligible to utilize the NGCSU Staff Grievance Process outlined below. The Staff Grievance Procedure is not available to temporary employees, students or non-University employees (consultants, contractors, etc.).
- D. The Staff Grievance Process is available only if:
- The employee has been suspended; or
 - The employee has been discharged; or
 - The employee has been demoted, or their salary has been reduced.
- E. The Grievance Process may not be used to bring a grievance about:
- Promotion and tenure decisions;
 - performance evaluations;
 - hiring decisions;
 - classification appeals;
 - challenges to grades or assessments;
 - challenges to salary decisions;
 - challenges to transfers or reassignment;
 - termination or layoff because of lack of work or elimination of position;
 - investigations or conclusions reached under the NGCSU Non-Discrimination or Anti-Harassment policies;
 - normal supervisory counseling.

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- F. Complaints regarding allegations of discrimination on the basis of race, color, religion, national origin, sex, age, sexual orientation, veteran status or disability should be directed to the NGCSU Office of Human Resources.
- G. Nothing in this policy should be interpreted as impairing the right of any employee to seek resolution of a perceived grievance through the courts or through agencies of the Federal or State governments. Furthermore, no employee's status with NGCSU shall be adversely affected because of his or her utilization of any of the following dispute resolution options.

II. OPTIONS FOR DISPUTE RESOLUTION

At any point in the dispute resolution process, personnel from the Office of Human Resources will be available to meet with concerned employees to provide advice, counsel, or referral.

A. DIRECT DISCUSSIONS BETWEEN THE DISPUTANTS

Disputes are best resolved through direct discussion and/or negotiations between the disputants. Assumption and misunderstandings are frequently at the root of interpersonal issues and these are generally easier to resolve in an informal setting.

B. ESCALATION TO MANAGEMENT

An employee with a conflict should first take the problem to his or her manager. If this contact does not serve to resolve the matter, or if the problem is with the manager, the employee may escalate the problem to any higher – level manager in the management chain, up to and including the functional vice president.

C. MEDIATION

NGCSU has trained mediators who are available to help resolve disputes. Employees who are unable or unwilling to engage in direct discussions regarding their problem may seek advice and mediation assistance by contacting either the Office of Human Resources or the Chair of the Campus Conflict Resolution Committee. Mediation inquiries will be held in confidence unless disclosure is required by law or other public policy.

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D. FORMAL GRIEVANCE

1. BOARD OF REVIEW AND GRIEVANCE PANEL

- a. If the grievance is not resolved through administrative channels, an employee wishing to file a formal grievance must do so in writing to the Director of Human Resources within fifteen working days of the event in dispute (or within fifteen working days of the end of unsuccessful mediation). The written grievance must include:
 - (1) The name of a respondent
 - (2) A detailed description of the complaint, including dates
 - (3) The names of possible witnesses
 - (4) A description of the evidence offered in support of the complaint
 - (5) The redress sought
 - (6) Description of attempts to settle the issue by direct discussions, escalation to management, and mediation
 - (7) Explanations as to why the attempts were unsuccessful.

- b. Within ten working days of receiving a written grievance, the President shall appoint, or have appointed, a five-member impartial Board of Review to hear appeals from employees.

- c. Within ten days after the conclusion of the hearing, the recommendation of the Board of Review shall be forwarded to the President for final decision. The President' decision will be final at the institutional level.

- d. If the matter is not resolved to the satisfaction of the employee, he or she may file an application for review, in writing, to the Board of Regents within twenty (20) calendar days following the written decision of the President. The Board of Regents reserves discretionary authority to review all decisions made by the member institutions. The Board of Regents normally will only review extraordinary cases, such as those where proper procedures may have been violated, where the decision is unsupported by the facts, or where the decision violates University or Board of Regents policy. Any petition to the Board of Regents must be made within 20 days following the final decision of the President.