

SOUTHERN UNIVERSITY AND A&M COLLEGE SYSTEM

J.S. CLARK ADMINISTRATION ANNEX BUILDING

Office of Human Resources
Southern University System
P.O. Box 10400
Baton Rouge, Louisiana 70813

CAMPUS

Office (225) 771-2680
Fax (225) 771-5617
tracie_woods@sus.edu

TO: Faculty Members of
Southern University-Baton Rouge
Campus

FROM: Tracie J. Woods, Esq.
Associate Vice President for Human Resources
Southern University System

RE: **(Temporary) Faculty Grievance Policy and Procedures**

DATE: November 5, 2018

The Faculty Senate, Academic Affairs and the Academic Council are reviewing a proposed Faculty Grievance Policy and Procedure for Southern University-Baton Rouge. In an effort to provide a policy and procedure process until the proposed policy is approved, the Human Resources department will allow faculty to file grievances with the attached 2016 Faculty Grievance Policy and Procedures.

If you wish to file a grievance before the proposed policy and procedure is approved, please use the attached form and procedures.

Please email our office if you have any questions.

Thanks

TJW/ss

cc: Dr. Ray Belton
Dr. James Ammons
Dr. Bijoy Sahoo
Dr. Albert Samuels
Dr. Melanie Johnson
File

Attachments

FACULTY GRIEVANCE PROCEDURES

(Appendix F – Faculty Handbook)

APPENDIX F

SOUTHERN UNIVERSITY AND A&M COLLEGE BATON ROUGE, LOUISIANA

CAMPUS GRIEVANCE REVIEW PROCEDURES FOR UNCLASSIFIED EMPLOYEES

Grievance Policy

Unclassified employees of Southern University at Baton Rouge will have the right to file a grievance to seek administrative relief in matters of fairness, equity or other non meritorious affecting an unclassified employee's employment status. The Southern University Board of Supervisors' Grievance Procedures (effective March 2, 1998) define the categories of grievances which can be filed and appealed through the levels of the System President and Board of Supervisors. All grievances of unclassified employees of Southern University and A&M College at Baton Rouge will be handled under the provisions herein stated, subject to the Grievance Policy and Procedures promulgated by the System President and the Board of Supervisors.

An unclassified employee's right to administrative review of his/her grievance which is not appealable to the System President and Board will be fully exhausted when the decision of the Chancellor is rendered. All authority to handle grievances which the Board of Supervisors and the System President do not reserve unto themselves will be handled completely under the administrative authority of the Baton Rouge campus as contained herein.

The University encourages all employees to participate in good faith in discussions, mediation efforts and other activities which are designed to bring amicable resolution to matters giving rise to grievances, even after a grievance is filed.

Grievance Procedures

I. Request for Review of Grievance

The request for a review of the grievance of an unclassified employee of Southern University and A&M College (the "University") must:

- A. be submitted in writing on the approved grievance form (available in the campus Personnel Office) for unclassified employees to the Vice Chancellor or the appropriate Supervisor or his/her designee (hereinafter, the "Reviewing Officer") who manages the grievant's area within thirty (30) calendar days (weekends and legal holidays included, except the Christmas holidays granted to 12 month unclassified employees will not be counted as part of the 30 calendar days.) after the date on which the grievant received written notice of the grievable action. When

no written notice was required or otherwise provided, the 30 days will run from the date on which the grievant establish by the documentation presented that (s)he learned or became aware that the grievable action had occurred. However, the grievance must be filed within no more than 120 calendar days from the date that the grievable action occurred, regardless of when the grievant learned of the grievable action or event, and

- B. be signed by the grievant; and
- C. Provide the full name, title, department, mailing address, telephone number and social security number of the grievant; and
- D. Contain a clear and concise statement of:
 - 1. The action or event giving rise to the grievance; and
 - 2. The basis for the review of the grievance. Where discrimination is alleged, facts regarding the act(s) of discrimination must be particularly and specifically stated in details sufficient to enable the party responding to the charge to prepare a statement in defense or support of the action taken. The types of facts which **must** be included are as follows:
 - a) the date(s), the time(s) and the place(s) that the grievable action(s) and/or the event(s) occurred, including a detailing of the circumstances which led the grievant to believe that the adverse decision/action was based on his/her religion, political beliefs, sex, race, national origin, marital status or other non meritorious factors; and
 - b) the name of the person(s) who took the action that led to the filing of the grievance; and/or
 - c) how the grievant's actions, conduct or performance was the same as that of a comparable person(s) who was treated differently; and/or
 - d) the name(s) and other identifying information about the comparable person(s) who was treated differently and the date(s) that the different treatment occurred; and/or
 - e) the specific effect that the action had on the grievant; and/or
 - f) a statement of the Board of Supervisors' Bylaw, Regulation, University policy, procedure and/or other rule which was/were

violated in sufficient detail to enable the responding party to prepare a response to the allegation(s) in the grievance; and

- g) a statement of the grievant's effort to get the matter resolved before filing the grievance.
- h) A statement simply alleging that an act of discrimination occurred or that there was the application of a non-meritorious factor which had a discriminatory effect on a grievant is not sufficient to justify a review of a grievance. The basis for the grievance must be specifically delineated.

E. state the date on which the grievant received written notice of the action on which the complaint is based, if applicable, and attach a copy of the notice; or provide sufficient details to document the date on which the grievant learned of the action giving rise to the complaint; and

F. state the relief sought by the grievant; and

G. provide all documentation available to the grievant to support his/her allegations, including the names, addresses and other identifying information for any and all comparable parties and/or witnesses to the act or event giving rise to the grievance.

II. HANDLING OF GRIEVANCE

- A. Within five (5) work days of receiving the grievance, the Reviewing Officer or his/her designee will acknowledge receipt of the grievance; review the grievance to determine if this procedure is the appropriate one under which the grievance should be filed; provide a copy of the grievance to the appropriate responding party (parties) with a request for a written response within five (5) work days from the date of the transmission; and give notice to the grievant and all appropriate parties (responding party, supervisors, etc.) of the date, time and place for meetings to discuss possible resolution(s) of the grievance. Although every effort will be made to set times that are satisfactory to the parties, the decision in this regard will rest with the Reviewing Officer or his/her designee. If the action complained of is not grievable, the grievant will be so notified by the Reviewing Officer and provided with an explanation as to why the grievance is being dismissed.
- B. The meeting of the parties with the Reviewing Officer or his/her designee will take place within five (5) work days after the receipt of the response from the responding party. Every effort should be made to resolve the grievance at this level. A record of the discussion(s) will be maintained as part of the official file.

C. Results of discussions:

1. If there is an amicable resolution, the Reviewing Officer or his/her designee will provide written notice of the terms of the settlement resolution to each of the parties for their signatures as an indication that the terms are acceptable within no more than five (5) work days of reaching the settlement. The Reviewing Officer and each of the parties will receive a signed original of the settlement agreement.
2. If no amicable resolution is reached through the discussions between the parties, after considering the submissions of the parties and the content of the discussions between the parties, the Reviewing Officer or his/her designee will issue a decision which (s)he feels will resolve the grievance; provide written notice of the decision to the parties within five (5) work days following the end of the discussions; and give notice to the grievant of his/her right to submit a written request for his/her grievance to be submitted to the Chancellor or his designee for transmittal to an Unclassified Employees' Grievance Panel. Upon receipt of the request for a hearing, the Reviewing Officer will transmit the grievance, the response(s) to it, and the Reviewing Officer's decision to the Unclassified Employees Grievance Panel¹ for review and, if applicable, to conduct a hearing for the grievant.
3. The Grievance Panel will meet within five (5) work days of receiving the grievance from the Chancellor or his designee and will give notice to the grievant and the responding party of the schedule by which it will proceed to hear the grievance; notify the parties of any information which the panel needs from the parties to complete its business; set deadlines for the receipt of information/documents and witness lists; and set the tentative date for the grievant's hearing. The Grievance Panel will conduct the hearing within the time frame indicated in the notice to the parties. A record of the hearing proceedings will be kept.

III. Hearing Guidelines

The following guidelines and procedures will be applicable:

¹The Chancellor shall appoint Unclassified Employees' Grievance Panels as the need arise or a standing Grievance Panel. The panel shall be composed of faculty members and other unclassified staff members. The panel should have no less than five members and no more than nine members, from among whom a chairperson will be selected to conduct the proceedings which are submitted to the body on a case by case basis.

- A. The Chairman will convene the Panel to hear the grievance.

- B. The hearing is not intended as a trial before a court of law and, therefore, adherence to the strict rules of evidence is not required. The Panel is intended to be a fact-finding body. Questions relating to the competency, relevancy or materiality of testimony and evidence, and latitude in conducting questioning will be based upon the Panel's determination as to what is just, fair and reasonable under the circumstances.
- C. At the outset of the hearing, the Chairman will announce that the Panel is convened for the purpose of hearing the grievance of (Grievant's Name), a (Title) at (Campus) which was filed with the Grievance Panel on (Date).
- D. The Chairman will ask both the Grievant and the Responding Party to state a preference of a forum, i.e., public or close session; however, the final decision will rest with the Panel. (If a closed session is chosen, all nonessential persons will be asked to leave the hearing room.)
- E. The Chairman will call the Panel to order.
- F. Chairman will give an opening statement which details the procedures to be followed, the purpose of proceeding, notice of the Panel's reservation of its right to limit evidence and statements deemed irrelevant or unrelated to issues at hand and to hear or not to hear witnesses offered by the parties.

IV. Hearing Procedures

- A. The Reviewing Office will provide a detailed statement of the actions taken on the grievance.
- B. Grievant makes the opening statement detailing his/her grievance and the remedy he/she seeks.
- C. The Responding Party will make an opening statement to detail his/her position relative to the grievance.
- D. Grievant will present in full his/her grievance and may offer documentary support of his/her position and call the approved witnesses from his/her witness list for the Panel to hear, if it desires to hear them.
- E. The Responding Party may fully respond to grievant's statement and/or offer rebuttal evidence, witnesses, etc. If Panel desires to hear witnesses, they will be called as Panel indicates they are needed, however, the witnesses will remain outside of the hearing room unless otherwise instructed by the Panel Chair to do otherwise.

- F. The Panel may:
1. Ask questions of all parties and their witnesses;
 2. Call witnesses which it considers pertinent to reaching a fair and just conclusion;
 3. Allow closing statements from Grievant and Responding Party(ies);
 4. Dismiss Grievant and others not pertinent to its deliberations while the Panel discusses the grievance, the evidence, testimony and the proceedings.
- G. At the conclusion of the hearing the Panel may deliberate in a closed session to reach its decision and to fashion a recommendation to the Chancellor.
- H. The Panel will reconvene and announce the action that it will take regarding the grievance, which may include, but is not limited to:
1. Taking the matter under advisement if no decision can be reached at that time. However, the Panel will notify the parties of the date by which a decision will be rendered, which will be no more than seven (7) calendar days following the conclusion of the hearing, unless an extension is approved by the Chancellor.
 2. Rendering a decision in favor of the Grievant based upon the facts, evidence, testimony and recommending to the Chancellor that the relief sought be granted.
 3. Finding that the grievance has no basis in fact that is supported by the evidence, testimony and record presented and recommending to the Chancellor that the relief sought be denied and the action of the Responding Party, if applicable, be upheld.
 4. Recommending to the Chancellor that settlement discussions be initiated and that the matter be remanded for further discussion, based on the parties indicated willingness to enter into and be governed by a written settlement agreement. If the settlement option is accepted by the grievant and the responding party, then the grievance review process will end and the parties will abide by the terms of the settlement document.
- I. Within three (3) work days following the conclusion of the hearing or the Panel's deliberations, the Chair of the Grievance Panel will provide written notice to the Chancellor, the Reviewing Officer, the Grievant and the Responding Party of its decision.

and the recommendation which the Panel will submit to the Chancellor. The party against whom an unfavorable decision and recommendation are rendered (Grievant or Responding Party) will also be notified of their right to appeal the decision to the Chancellor. The hearing record, which will include all documents, testimony, recordings, transcripts, written statements, etc., will be preserved and forwarded to the Chancellor and a copy to the Reviewing Officer, along with a copy of the Grievance Panel's decision and recommendation.

J. The hearing will be recorded by an acceptable method and the recording retained by the Chancellor's Office for at least one year following the conclusion of the proceedings. The Grievant and the Responding Party(ies) may obtain a copy of the tape recording at his/her expense by requesting it in writing from the Chair of the Grievance Panel.

V. RIGHT TO APPEAL

- A. If the decision of the Grievance Panel or at any level below is unfavorable to the grievant or the responding party, it may be appealed to the next level within five (5) work days of the receipt of the unfavorable decision whether by mail or hand delivery, if:
1. New evidence or information has surfaced which was not known and not available to the appealing party prior to the conclusion of the hearing before the Grievance Panel; and/or
 2. The hearing record reflects that the appealing party was denied due process or a right(s) to which (s)he was entitled; and/or
 3. Errors by the Grievance Panel as reflected in the hearing record caused an inappropriate decision to be rendered that is not supported by the facts, evidence, etc. presented at the hearing.
- B. The unfavorable decision of the Grievance Panel may be appealed to the campus Chancellor.
- C. The unfavorable decision of the campus Chancellor may be appealed to the System President, if applicable.
- D. The unfavorable decision of the System President may be appealed to the Board of Supervisors through its Chairman, if applicable, however, the appealing party must document that efforts have been made to exhaust all administrative review rights at the campus and system levels before appealing to the Board of Supervisors.
- E. The ground(s) on which the appeal is based must be specifically stated and supported by the hearing or supplemented record, if applicable.

VI. APPEAL PROCEDURES

A. The appeal must:

1. Be submitted in writing to the Chancellor within five (5) work days of his/her receipt of the decision that is being appealed. The grievant must also send notification of his/her appeal to the Chair of Grievance Panel with a request for the official hearing record to be forwarded to the Chancellor.
2. State with specificity the basis for the appeal and provide details from the hearing record, proof of facts and/or other information which support the appealing party's right to be granted a review of his/her appeal as applicable in Part V.A. above.
3. The following delays will be observed in responding to the appeal:
 - a. The Chancellor will respond to the appeal within ten (10) work days of receiving the hearing record.
 - b. If the appealing party desires to appeal to the System President, the appeal must be filed in writing within seven (7) calendar days from his/her receipt of the Chancellor's decision.
 - c. Appeals to the System President will be in accordance with the policy and procedures set forth by the President.
 - d. Appeals to the Board of Supervisors will be governed by the Board's Grievance Policy and Procedures.

VII. Other Matters

- A. **Representation:** At all levels of review, parties to the grievance may be accompanied by a representative who may be an attorney. The participation of the representative will be limited to advising the party, unless a greater participation role is granted by the presiding official.
- B. **Confidentiality:** Reasonable efforts will be made to insure the confidentiality of all closed proceedings, hearings and the records produced therefrom. However, should any matter arising during the course of the proceeding become public, the right to issue appropriate statements relative to the matter will fall to the Chancellor, who will consult with the System President.
- C. **Communications to Grievance Panel:** Communications directed to individual members of the Grievance Panel that pertain to a grievance or a potential grievance will not be acknowledged except through the use of this procedure, subject to the Grievance Policy and Procedures of the Southern University Board of Supervisors and the Office of the System President.

- D. **Inclusive Provisions:** The Grievance Policy and Procedures of the Southern University Board of Supervisors are made a part of this policy and procedure as if fully stated herein. If any provision of this policy and procedure is in opposition to the grievance provisions of the Board, the Board's provisions will take precedence.

