


AUSTIN PEAY STATE UNIVERSITY
POLICIES AND PROCEDURES MANUAL

Policy Number:	Supersedes Policy Number:
5:027	5:027
Date:	Dated:
July 11, 1988	August 1, 1986
Subject:	
Grievance Procedure for Non-Faculty Employees	
Initiating Authority:	SBR Policy/Guideline Reference:
Vice President for Finance and Administration	1:06:00:05, P-110
Approved:	
 President	

PURPOSE

The purpose of this procedure is to provide a clear, orderly and expedient procedure through which all non-faculty employees of the university may process bona fide complaints or grievances.

POLICY STATEMENT

It is the policy of the university to provide an effective procedure for resolution of problems arising from the employment relationship or environment. To this end, a formal grievance procedure has been established for the use and benefit of all employees. It is the responsibility of supervisors to inform and make available to non-faculty employees information concerning these procedures. When a non-faculty employee believes a condition of employment affecting him/her is unjust, inequitable or a hinderance to effective performance of his/her employment responsibilities, the employee should seek resolution through this procedure without fear of coercion, discrimination or reprisal. It is the policy of this university to make every effort to resolve a grievance at the lowest possible step in the grievance procedure.

Persons who are paid from restricted funds under the terms of a grant or contract and whose employment ends with the expiration of the grant or contract must make any grievance known before the expiration date.

SCOPE

This procedure is available to all non-faculty employees. A grievance may be filed for any matter which an employee believes

adversely affects his/her employment and which is within the administrative discretion or control of the university, given the exceptions below.

These procedures are not designed to replace appeal procedures in cases involving suspension of employees for cause or termination of employees when the termination is in violation of the employee's contract or other situations where the employee is entitled to a Tennessee Uniform Administrative Procedures Act hearing. State Board of Regents Policy Number 1:06:00:05 provides procedures for such matters. Neither are these procedures designed for protesting or appealing disciplinary actions, including verbal disciplinary actions, taken against an employee. In addition, these procedures are not applicable to the following specific matters:

1. Termination of personnel during or at the end of the initial probationary period.
2. Performance reviews and normal supervisory counseling.
3. Position reclassifications.
4. Elimination of a position due to a reduction in force, lack of funds or reorganization.
5. Formal performance evaluations.
6. Rates of pay.
7. Group Life Insurance, Group Health Benefits or Retirement Benefits.
8. Decisions or actions by the President.

The university has an additional procedure for the processing of complaints by employees who feel that they have been the subject of sexual harassment. Such complaints may be filed according to the procedures outlined in APSU Policy Number 5:003. Employees, former employees, or applicants for employment, who feel that they have been unlawfully discriminated against on the grounds of race, religion, color, sex, age, handicap, national origin or veteran status should consult the Affirmative Action Director, Room 133, Browning Building.

RESPONSIBILITY FOR IMPLEMENTATION AND COMPLIANCE

The President of the University is responsible for implementation of these procedures and has the final decision-making authority in any action subject to these procedures.

DEFINITIONS

As used in these procedures, the following terms shall have the meanings designated:

1. Non-faculty employees - All employees except faculty and student employees. For purposes of these procedures, faculty include temporary, part-time and adjunct faculty.
2. Immediate supervisor - That person who is directly responsible for the supervision of the employee's activities.
3. Next-higher-level supervisor - That person who is directly responsible for the supervision of the immediate supervisor's activities.
4. Working days - Days on which the business offices of the university are officially open.
5. Date of the decision - Date the decision is communicated to the employee if communicated in person; three (3) days after mailing of the decision, if communicated by mail.
6. Non-Faculty Grievance Committee - Committee of at least three (3) non-faculty employees, none of whom has a direct interest in the grievance to be considered. The three (3) members will be selected by the President.
7. Impartial hearing - Forum in which all pertinent evidence will be given consideration. Generally the procedure should allow for presentation by the grievant, gathering of information relevant to the grievance and review of relevant facts by an impartial individual or committee.

GENERAL RULES OF IMPLEMENTATION

1. Employees using this procedure will be entitled to do so without fear of retaliation, interference, coercion or discrimination.
2. A grievance must be presented to the employee's immediate supervisor (Step 1) within ten (10) working days after the occurrence of the incident claimed to have given rise to the grievance. Any claim not presented within the timeframe provided shall be deemed to have been waived. (For repetitive or ongoing incidents or circumstances, the grievance must be filed within 10 working days of the last occurrence of such incident or circumstance.)

3. The grievant is entitled to be accompanied by an advisor at each step of the grievance procedure; however, the advisor may not act as an advocate on behalf of the grievant.
4. Employees will be given the opportunity to pursue grievances during their assigned work time.
5. The President may grant reasonable extensions of the applicable time limit at each stage of the procedure upon the timely showing of good cause. The request for an extension must be in writing. The approval or denial of the request must also be in writing.
6. Supervisors to whom a grievance is raised and the Grievance Committee may consult the Director of Personnel for advice on resolving grievances (except for grievances involving an action taken against the grievant by the Director of Personnel).

STEPS FOR FILING THE GRIEVANCE

Step 1: Discussion With Immediate Supervisor

A grievance must be brought to the attention of the employee's immediate supervisor within ten (10) working days after the employee becomes aware of the problem. The employee should state the basis for the grievance and the corrective action desired in temperate and reasonable terms. The employee and the supervisor should discuss the grievance in an attempt to resolve the matter in a mutually satisfactory manner. The supervisor will conduct any necessary or appropriate investigation and inform the employee of a decision based upon full and fair consideration of all the facts within five (5) working days of the initial discussion. The immediate supervisor will assure that the decision is clearly communicated to, and understood by, the employee. If the employee is satisfied with the decision, no additional action is required. If the employee is not satisfied, the employee may proceed to Step 2. (If no decision is communicated to the employee within five (5) working days of the initial discussion, the employee may proceed directly to Step 2.)

Step 2: Discussion with Higher-Level Supervisor

If the employee and the immediate supervisor are not able to reach a mutually satisfactory resolution to the grievance, the employee may proceed to discuss the matter with the next-higher-level supervisor within five (5) working days of the date of the decision of the immediate supervisor. Failure to comply with Step 2 in a timely manner will be deemed a waiver by the employee and the grievance may not be raised again. The next-higher-level supervisor and the employee will then follow the same procedure as required in Step 1.

If the employee is satisfied with the decision reached by the next-higher-level supervisor, no additional action is required. If the employee is not satisfied, the employee may proceed to Step 3. (If no decision is communicated to the employee within five (5) working days of the initial discussion between the employee and the next-higher-level supervisor, the employee may proceed directly to Step 3.)

Step 3: Written Grievance Statement to be Reviewed by the Non-Faculty Grievance Committee

If the employee and the higher-level supervisor are not able to reach a mutually satisfactory resolution to the grievance, the employee may file a written grievance with the Director of Personnel on the designated form. The grievance must be filed within five (5) working days of the date of the decision of the higher-level supervisor. Failure to comply with Step 3 in a timely manner will be deemed a waiver by the grievant and the grievance may not be raised again: (The Director of Personnel may request the employee to restate the grievance for additional clarity if necessary, but such request will not prejudice the employee in regard to the applicable time limit.)

A copy of the grievance, along with any supporting documentation, will be given to the immediate supervisor and the next-higher-level supervisor. The Director of Personnel may request either or both supervisors to respond in writing to the grievance statement. The Director of Personnel will then forward the grievance, the supporting documentation and the responses of the supervisors to the President.

Upon receipt of the written grievance, the President will appoint a Review Committee to hear the grievance. Within ten (10) working days of the filing of the request for review, the review committee will conduct an impartial hearing on the grievance, at which it will accept and review all pertinent information presented by the employee and the Personnel Director as well as any other information it deems appropriate. The review committee will make a thorough and independent study. The review committee may call before it any other personnel whom it feels may have information pertinent to the grievance. Within three (3) working days of the hearing, the Chairman of the Committee will prepare a written report of the Committee's recommendation to the President. The recommendation will be based on full and fair consideration of all the facts and circumstances. The report will also contain a summary of the Committee's investigation and findings. Copies of the report will be submitted to all the parties involved.

Upon receipt of the recommendation, the President may accept the recommendation of the Committee or select an appropriate alternate resolution. The President's decision will be directed to the employee and copies will be provided to the Chairperson of the Committee and all other parties involved.

GRIEVANCE FORM
FOR NON-FACULTY EMPLOYEES
(Print or Type)

1. Name: _____
2. Position: _____
3. Department: _____
4. Name of immediate supervisor: _____
5. Date grievance initially discussed with immediate supervisor: _____

6. Name of next-higher-level supervisor: _____
7. Date grievance initially discussed with next-higher-level
supervisor: _____
8. Explanation of grievance (Include identification of any university
policy violated):

9. Corrective action desired: _____

Employee's Signature

Date