



Staff Grievance Hearing Guidelines

These provisions establish the University of West Georgia (UWG) procedural framework for handling formal staff grievances, ensuring compliance with due process standards, and expediting the resolution of staff grievances.

Filing a Formal Grievance

Grievance Form

1. To begin the formal grievance process, an employee may submit a Grievance Form to the Chief Human Resource Officer (CHRO) or their designee. (see *UWG PL 4001 Associated Procedure, Staff Grievances and Appeals, section B2*).
2. The Grievance Form must include a detailed description of the action, including the basis of the Grievance, the date of the initial event that gave rise to the Grievance, an explanation of prior attempt(s) to discuss the issue informally and propose a remedy or resolution.
3. The Grievant should include any relevant documents when submitting the Grievance Form.

Deadline for Filing a Grievance Form

1. The Grievance Form must be submitted within 10 business days of the initial event or act giving rise to the Grievance, not including the date of the initial event or act.
 - a. The date of the event or act is the date of the communication giving rise to the Employee's Grievance, not the effective date of the action (e.g., *if an Employee was told on February 1 that the Employee is being terminated on February 15, the event date would be considered the conversation or written communication where the Employee was notified of the termination – February 1*).
 - b. If the date of the initial event cannot be determined, the Employee must submit a Grievance Form within 10 business days of the date upon which the Employee knew or reasonably should have known of the facts giving rise to the Grievance.

Dismissal and Abandonment of Grievance

1. If a Grievance Form is not submitted in a timely manner, the Grievance is dismissed unless the Grievant can, within 3 business days of dismissal, provide a written explanation justifying the delay, such as a medical emergency.
2. Failure to respond in a timely manner or abandonment of the grievance may lead to its dismissal. If the Grievant does not respond to communication regarding the grievance within 10 business days from the point of last contact, the Grievance is deemed abandoned and closed. To have the grievance reopened, the Grievant must demonstrate extenuating circumstances that prevented a timely response.
3. The CHRO or designee will review the Grievance Form to determine its timeliness and whether the subject matter is grievable. Within five business days of receiving the Grievance Form, the Grievant will be notified in writing if the Grievance is dismissed or allowed to proceed.
 - a. If the Grievance is dismissed, the CHRO or designee will notify the Grievant in writing, stating the reason(s) for the dismissal. The CHRO's or designee's dismissal decision is final and neither grievable nor appealable.

- b. If the CHRO or designee decides the Grievance can proceed, the Formal Grievance Hearing Process described below shall be applied to resolve the Grievance.
4. The Office of Human Resources (OHR) may be contacted anytime for additional information, guidance, or assistance interpreting any part of this procedure.

Formal Grievance Hearing Process

Right to an Advisor

The Grievant may select an employee Advisor to advise the employee throughout the grievance process. The CHRO or designee must receive the Advisor's contact information within five business days of the grievance approval notification—email contact information to er@westga.edu.

The Advisor must not

- be a witness or otherwise involved in the subject matter of the Grievance.
- be involved in a conflict of position, such as an OHR or Office of Legal Affairs (OLA) member.
- delay or disrupt any proceedings.

The Advisor is to provide advice and support throughout the grievance process, which may include:

- Assisting in gathering information and preparing for meetings and discussions.
- Attending scheduled meetings and being present during the entire hearing, excluding deliberations.
- Advising the party in the dispute, if requested, but may not speak on behalf of the employee.

Advisors are not permitted to speak for the employee during the hearing, question witnesses, or address the Hearing Panel. During the hearing, the Presiding Officer resolves questions about the Advisor's role.

If the Advisor does not comply with this procedure, the Advisor may be asked to leave and, if so, will not be permitted to participate further.

A Grievant may present or respond to a Grievance or attend a meeting or hearing without an Advisor.

Hearing Panel

The Grievance Hearing Panel shall consist of three staff employees (one employee is designated as the Presiding Officer) and one alternate.

The selection process for the Hearing Panel is as follows:

- **Random Selection:** Potential Hearing Panelists are chosen from volunteers who understand the staff grievance procedure. Ten individuals are selected by the CHRO or their designee from a diverse pool of active UWG staff, excluding those affiliated with the departments, programs, and individual(s) involved.
- **Notification:** The names of these 10 potential panelists are shared with the Grievant and Institution Representative. Each party may strike two names from the list without cause.
- **Final Selection:** The CHRO or designee selects four individuals from the remaining pool to form the Hearing Panel. The CHRO or designee will appoint the Presiding Officer and the alternate.
 - The CHRO or designee will notify the Hearing Panel in writing of their appointment, the names of the Parties, and a general statement of the subject matter of the Grievance.
 - Each Hearing Panel member, within two business days of notification from the CHRO or designee, must recuse themselves if they believe they cannot serve impartially or have a

- Conflict of Interest (e.g., personal relationship with either party, involvement in the matter).
- The CHRO or designee will appoint another member following the OHR predefined process below.
 - If bias concerns a panel member, the CHRO or designee will evaluate the issue and, if necessary, activate the designated alternate.
 - If multiple panel members are disqualified, replacements are randomly selected by the CHRO from the nominee pool.

Prehearing Conferences

The CHRO or designee shall conduct separate prehearing conferences with the Grievant and their Advisor, as well as with the Institution's Representative, to review the hearing protocols and gather information (i.e., evidence, witness lists/questions, etc.). The University's General Counsel or designee may also attend these prehearing conferences.

During the prehearing conference, each party must electronically provide the CHRO or designee with the following:

1. Documents and other evidence (e.g., recordings, photos) the party intends to present at the hearing.
2. A list of witnesses the party intends to call at the hearing, along with a summary of each witness's likely testimony. *Character witnesses or others who did not personally observe or have relevant information to the allegation will not be permitted to testify and will be excluded by the Presiding Officer.*
3. A list of questions for each witness the party intends to call at the hearing. *Question lists should be marked by individual and arranged in the order in which the Presiding Officer is to ask the question to the individual.*

The CHRO or designee will compile a hearing packet (including witnesses, questions, evidence lists, documentation, recordings, photos, etc.) to distribute to the Grievant and the Institution's Representative simultaneously. Questions to pose to the other party or their witnesses must be submitted to the CHRO or designee five business days after receipt of the hearing packet.

Panel Conference Briefing: The CHRO or designee shall schedule a meeting with the Hearing Panelists to brief on hearing protocols, the nature of the allegation, the hearing schedule, and to share the hearing packet (i.e., evidence, witness lists/questions). The General Counsel or designee will advise the Panel.

Scheduling

Grievance hearings are primarily video conferencing, which requires all Parties (i.e., Grievant or Institution Representative) and Attendees (e.g., Advisor or witness) to have a computer with camera, microphone, and a strong internet connection.

If a party requests that the hearing be held in person, the CHRO or designee will notify the other party before making a final decision regarding the format. If a different format is used, the CHRO or designee will arrange for the hearing.

- If the party or their attendees fail to appear within 10 minutes after their scheduled start time, the hearing will proceed unless the individual can show good cause for failing to appear, as determined by the Presiding Officer.
- If the hearing is continued without either party, the CHRO or designee must notify the party that the proceedings were conducted as fully and fairly as possible.

- Parties are responsible for witnesses' attendance at the hearing.

Only the Presiding Officer or the CHRO or designee can approve or deny a postponement request with valid cause.

Confidentiality

The Hearing Panelists, Grievant, Institution's Representative, Advisors, witnesses, and others involved in the grievance process (including deliberations) are expected to maintain confidentiality of the proceedings, provided that disclosure (and the report) is permitted to University personnel with official responsibility or need to know or otherwise as may be required by law or University policy.

The Grievant, the Institution's Representative, and Hearing Panelists shall have access to all relevant information. Confidential material will be provided to parties through a redacted copy or written statement of pertinent information. For information not applicable to the grievance and/or excluded, the CHRO or designee will provide a written justification of the exclusion to the parties.

Recording the Hearing

The CHRO or designee will ensure and maintain the official recording of the grievance hearing at the University's expense. Written requests to inspect the recording must be submitted to er@westga.edu.

The Presiding Officer will announce, "*By participating in the hearing, individuals present are deemed to have consented to the recording.*"

The Hearing Panel will have access to the recording until a final recommendation is made, after which it will be retained by the CHRO or their designee. All hearings must be recorded and made available in the event of an appeal.

Hearing Process

The following are general rules typically observed in a staff grievance hearing

1. **Presentation of Evidence:** Parties present relevant evidence and witnesses.
2. **Attendance:** The hearing is closed to those not directly involved, except as approved by the Presiding Officer. The following may be present:
 - The Grievant and the Institution's Representative.
 - An Advisor to the Grievant for support and advice.
 - Witnesses only during their testimony.
 - Facilitators for recording, sign language interpreters, and/or English language interpreters if requested.
3. **Panel Members:** All Panel members must be present throughout the hearing.
4. **CHRO or Designee:** The CHRO or designee may attend the hearing to provide administrative support (e.g., logistics, note-taking, recording, etc.).
5. **General Counsel:** The University General Counsel or a designee may attend the hearing, including deliberations, to provide legal advice to the Presiding Officer, but not on the merits of the Grievance. They will not represent either party, and this will be stated by the Presiding Officer at the beginning of the hearing.
6. **Conduct:** Attendees must be punctual and refrain from speaking outside designated opportunities. Disruptive behavior (e.g., yelling, profane language, verbal abuse, etc.) is strictly prohibited unless relevant.

Opening Statements

The Grievant may present an opening statement summarizing the allegations detailed in the Grievance Form. The Institution Representative may present an opening statement addressing the Institution's position on these allegations. Each opening statement will be limited to five minutes.

Presentation of the Case

The Grievant and the Institution Representative may only present witnesses, documents, and evidence previously disclosed to the Hearing Panel.

The Grievant and the Institution's Representative will present their case by testifying and presenting witnesses and/or evidence. Questions will be posed to each other and witnesses through previously submitted question lists shared with the Hearing Panel. The Presiding Officer will facilitate asking questions on behalf of both parties. The Hearing Panel members may ask questions of the Parties or any witness at any time.

The order of questioning will proceed as follows unless otherwise dictated by the Presiding Officer. The Presiding Officer will schedule the specific order of witnesses in advance.

- 1. Questioning of Grievant:**
 - Questions submitted by the Institution's Representative
 - Questions by Hearing Panel
- 2. Questioning of Grievant's Witnesses**
 - Questions submitted by Grievant
 - Questions submitted by the Institution's Representative
 - Questions by Hearing Panel
- 3. Questioning of Institution Representative:**
 - Questions submitted by Grievant
 - Questions by Hearing Panel
- 4. Questioning of Institution's Witnesses**
 - Questions submitted by the Institution's Representative
 - Questions submitted by Grievant
 - Questions by Hearing Panel

If witness testimony, documents, or evidence goes beyond the scope of the allegations in the Grievance Form, the Presiding Officer may direct the Grievant, Institution Representative, or witness to focus on the issues in the Grievance Form.

Procedural and Evidentiary Questions

If the Presiding Officer determines that any question is inappropriate or irrelevant to the allegations in the Grievance Form, the Presiding Officer will refrain from asking the question presented. The following categories of questions/information will also not be considered by the Presiding Officer:

- **Repetitive questions** that have been asked and answered, whether in identical or similar language.
- **Compound questions.** Ask questions separately and clearly.
- **Argumentative questions.** Each question asked should be used to elicit testimony, not to argue with witnesses.
- **Privileged information** sought without a waiver.

The hearing is not bound by rules of evidence that apply in court, and the Presiding Officer may admit any evidence or testimony the Presiding Officer considers relevant. The Presiding Officer shall decide all questions relating to procedural matters, objections, the admissibility of evidence, or other matters.

Although the parties are not sworn in under oath, the Presiding Officer must make clear before any statement is given the penalties for knowingly making false statements or representations or using false documents. (See UWG PL 4001 associated procedure, [Personnel Code of Conduct](#) and Board of Regents (BOR) [Ethics Policy 8.2.18.1](#)).

The parties shall remain in the room until the grievance Hearing Panel dismisses for deliberation. The Presiding Officer has the authority to adjourn and reconvene hearings, allowing time for thorough evidence investigation when necessary.

Closing Statements

Once both parties have presented their case, the Grievant may make a closing statement. The Institution's Representative may make a closing statement summarizing the institution's position on these allegations. Each closing statement is limited to five minutes unless otherwise agreed upon by the Presiding Officer.

Deliberations and Recommendation

After closing statements, the Presiding Officer will close the hearing, and the Hearing Panel will retire to deliberate.

During deliberations, the Hearing Panel may not disclose information presented at the hearing with anyone who is not a member of the Hearing Panel, except to the University's General Counsel or their designee.

The Hearing Panel will reach an outcome based on the Preponderance of the Evidence and recommend an appropriate remedy or solution. Recommendations must comply with federal, state, and local laws and not deviate from or conflict with University policy. Only evidence presented at the hearing and those documents submitted up to the time of the hearing will be considered in the adjudication of the grievance.

If the Hearing Panel cannot reach a consensus among the voting members, the Presiding Officer may call a vote, and the majority of the votes will determine the outcome. The Hearing Panel member alternate is a non-voting member unless elevated to a voting member due to replacing a member.

Within 10 business days following the hearing, the Hearing Panel will sign and submit a written recommendation detailing the case's factual findings and remedy for resolving the grievance to the CHRO or designee.

Review of the Hearing Panel Recommendation

The CHRO or designee must present the Hearing Panel's recommendations to the President or designee within five business days of receipt.

The President or designee may accept or reject (in whole or in part) the Hearing Panel's recommendations or require additional information. If the matter is not resolved to the employee's satisfaction, the employee may apply for review, in writing, to the BOR within 20 calendar days following the written decision of the President or designee (see BOR 6.26, [Application for Discretionary Review](#)).

Final Report Issuance and Appeal Rights Notification

The final report, which includes the notice of the Grievant's right to appeal, will be sent electronically to the Grievant, the Institution's Representative, and relevant leadership members, limiting the ability to edit, download, save, and/or print the report to protect the parties' privacy and safeguard the hearing report's

contents. *Note: The University reserves the right to redact certain information that is not directly related to the allegations.*

The Grievant's supervisor must inform the Grievant of any subsequent actions taken, ensuring the confidentiality of other employee personnel matters is preserved.

Informal Resolution

The Grievant or Institution Representative may request assistance from the CHRO or designee for an Informal Resolution at any point before or after filing the Grievance Form and before the formal grievance hearing concludes. If an informal resolution is reached, the CHRO or designee will document the agreed resolution in writing to prevent future disputes or misunderstandings, terminate the formal grievance hearing process, and disband the Hearing Panel.

Withdrawal or Settlement of Grievance

When an employee agrees to a settlement of the grievance or withdraws the grievance prior to the hearing's conclusion, the CHRO or designee shall issue a statement that the grievance is closed due to settlement or withdrawal.

To withdraw a grievance, the employee must submit to the CHRO or designee a withdrawal statement stating their wish to terminate the grievance process. Withdrawal statements should be emailed to er@westga.edu.

Roles

The **Office of Human Resources (OHR)** is primarily responsible for administering and coordinating UWG PL 4001, [Staff Grievances and Appeals](#) procedure. OHR is the primary source of assistance for staff and supervisors who have questions or concerns about the staff grievance process and will ensure that the process is fair and equitable.

The OHR will maintain a Potential Hearing Panelists list of employee volunteers who have indicated their interest in serving on a grievance Hearing Panel.

The **Office of Legal Affairs (OLA)** assists with administering the Staff Grievances and Appeals Procedure when unlawful discrimination is alleged.

A representative from OHR or, when applicable, OLA will:

- Discuss concerns with the grievance parties and/or their supervisor to clarify facts, issues, and concerns.
- Inform the grievance parties and/or their supervisor of applicable University policy and procedures.
- Inform the grievance parties and/or their supervisor of their rights, responsibilities, and relevant time frames.
- Serve as facilitators in discussions.
- Make suggestions for possible resolutions to the situation.
- Investigate or coordinate the investigation of all issues relating to the grievance.
- Monitor the implementation of agreed resolutions and/or the President or designee's decision.
- Select and provide a list of panelists.
- Once notified of a problem that indicates a violation of law or University policy, OHR may initiate an Internal Investigation. If it is determined that a University policy has been violated or not appropriately applied during the investigation, OHR or OLA will assist the parties in reaching an appropriate resolution.

The **Presiding Officer** has the authority to and shall oversee procedural hearing matters in cases involving a staff grievance to maintain order and fairness throughout the grievance process.

The Presiding Officer:

1. **Ensures Equitable Hearing/Decorum:** Encourages impartiality and provides all parties an opportunity to present their case. Ensures adherence to protocol and manages decorum by monitoring the conduct of all parties and Advisors.
2. **Determines Relevancy:** Ensures only pertinent evidence is considered.
3. **Decides Question Pertinence:** Guides discussions to focus on relevant issues.
4. **Submit Recommendations:** Sends recommendations and findings for review after the hearing.
5. **Communicates Rights:** Ensures all parties understand their rights, including the right to appeal.

Prohibition on Retaliation

No employee will be reprimanded, harassed, retaliated against, discriminated against, or adversely treated for using or participating in the staff grievance process.

Retaliation of any kind by any employee against any other employee is prohibited. The University considers any such action(s) a serious offense and a violation of University policy.

Violators may be subject to disciplinary action, which may include termination. Staff members subjected to unfair treatment as a result of utilizing the grievance procedure should contact the OHR at er@westga.edu or OLA at legal@westga.edu.

Recordkeeping

Grievance Records shall be kept in accordance with University System of Georgia (USG) [Records Retention Schedules](#) and accessible to the Grievant, Institution Representative, and administration (after any appeal filings).

A formal letter detailing the alleged grievance, findings, and resolution will be inserted into the Grievant's OHR personnel file.

Definitions

Advisor - a UWG employee selected by the Grievant to advise and support the Grievant through the grievance process.

Grievant - Employee filing the grievance.

Grievance - a complaint by an employee(s) regarding suspension, discharge, demotion, or salary reduction.

Hearing Panel - staff employees selected to hear and preside over a formal grievance hearing. The panel shall comprise four individuals, with one designated as the Presiding Officer and one serving as the alternate.

Informal Resolution - a process in which the employees involved in a dispute use the assistance of a mediator to identify the disputed issues, develop options, consider alternatives, and endeavor to reach an agreement to resolve the dispute.

Institution Representative - a UWG employee (staff or faculty) designated to present evidence on behalf of the institution at a grievance hearing.

Preponderance of the Evidence - means it is more probable than not that the Prohibited Action occurred.

Presiding Officer – staff employee given the authority to oversee procedural hearing matters in cases involving a staff grievance to maintain order and fairness throughout the grievance process.

Retaliation - means intimidating, threatening, coercing, harassing, causing physical harm, taking unwarranted adverse employment action, or otherwise discriminating against an individual because the individual submits a Grievance or participates in the investigation of or decision about a Grievance, including as a witness or decision maker.