



Grievance Procedures (6.10.1)

PURPOSE

The purpose of this guideline is to establish the process regarding employee Grievances Tennessee State University.

[Grievance Form](#)

DEFINITIONS

- **Grievance** (Committee review available) – An employee may only grieve actions the institution has taken against the employee which:
 - Violates institution or TBR policy, or involves an inconsistent application of these same policies;
 - Violates any constitutional right. The most likely areas of concern are the First, Fourth or Fourteenth Amendment of the federal constitution when that action hampers free speech, freedom of religion, the right to association, provides for improper search and seizure, or denies constitutionally required notice or procedures; or
 - Violates a federal or state statute not covered by TBR Guideline P-080.
- **Employee** - For purposes of the grievance procedures, an employee is defined as faculty (though not including faculty on adjunct contracts), executive, administrative, professional staff, clerical staff, and support personnel. Probationary employees, student workers and graduate assistants are not included in the definition of employee.
- **Employment Action** – Employment action is the demotion, suspension without pay, termination of an employee, or work assignments or conditions of work which violate statute or policy.

PROCEDURES

I. Grievance Procedure

- A. A grievance must be initiated within ten (10) workdays after the employee receives notice or becomes aware of the action which is the basis for the grievance.
1. The administrator considering the grievance at each step shall issue a written decision with specific reasons stated for the decision.
 2. If the employee is not satisfied with the decision at any step, he/she must carry the grievance forward to the next step within ten (10) workdays after receiving the written decision.
 3. If the employee does not carry the grievance forward within ten (10) workdays, the grievance procedure shall be terminated and the grievance disposed of in accordance with the last written decision.
 - a. For purposes of this procedure, the term “workdays” refers to Monday through Friday.
 4. The President may grant reasonable extension 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 shall also be in writing.
 5. Once a grievance is initiated, the grievant may not later present the same grievance again in an attempt to gain a more favorable outcome.
 6. Employees shall be given the opportunity to pursue grievances during their assigned work time. Access to procedures under this policy shall not interfere with the normal work flow of Tennessee State University
- B. Testimony, Witnesses and Representation
1. At every step, the employee may testify and present witnesses and materials in support of his/her position.
 - a. The testimony of an employee, given either on his/her own behalf or as a witness for another employee, will not subject an employee to retaliatory action.
 2. At every step, the employee may be accompanied by a representative as defined by the institution which may also specify the parameters of

participation by the representative during the hearing process.

- a. At the discretion of the panel chair, additional employees from the unit may be allowed to attend the employee panel hearing conducted as the final step.

C. Steps of Review

1. Step 1-- Supervisor or Administrator Instituting Employment Action:

- a. Within ten (10) workdays after the employee receives notice or becomes aware of the action which is the basis for the grievance, the employee completes a Grievance Form (which may be obtained from Human Resources), submits it to Human Resources and provides a copy to his/her supervisor or the administrator instituting employment action. While a particular form is not required to file a grievance, the employee must make it clear that she/he intends to utilize the grievance procedures for resolution of the employment action.
- b. Within ten (10) workdays after receipt of the grievance, the supervisor or administrator initiating employment action and the employee meet and discuss the grievance in a face-to-face meeting.
- c. If the supervisor or administrator was not the one who recommended the original employment action, or is recommending a change from the original employment action, the supervisor or administrator will make a recommendation to the administrator who made the original employment action.
- d. Any changes from the original employment action must be approved by the President or Director, as appropriate, before being communicated to the employee.
- e. Within ten (10) workdays after the face-to-face meeting, the supervisor or administrator must communicate the decision in writing to the grievant with specific reasons stated for the decision.
- f. If the supervisor or administrator fails to respond or if the decision is not satisfactory to the employee, the employee may carry the grievance forward to Step 2.

2. Step 2--Next Higher Level of Management:

- a. Within ten (10) workdays after receiving the written decision at Step 1, if the employee is not satisfied with the result of Step 1, the employee must notify Human Resources that he/she wants further review.
 1. Human Resources schedules a face-to-face meeting to occur within ten (10) workdays after receiving notice that the employee wants further review of the next level administrator.
 - b. Within ten (10) workdays after the face-to-face meeting, the next level administrator issues a written decision that includes specific reasons for the decision.
 - c. Any changes from the original employment action must be approved by the President or Director, as appropriate, before being communicated to the employee.
3. Step 3--Hearing:
- a. Within ten (10) workdays after receiving the written decision at Step 2, the employee can request a grievance hearing before a panel of employees.
 - b. The employee must notify Human Resources in writing whether he/she wants a hearing before an employee panel.
 - c. Alternatively, the employee may request a hearing under TBR Policy No. 1:06:00:05 (Cases Subject to TUAPA), if applicable.
 - d. If the employee requests a hearing before an employee panel, Human Resources or the appropriate institutional person as defined by the institution policy selects the panel members, convenes the hearing and arranges for the grievance to be heard.
 - e. The employee grievance panel may include non-exempt staff employees, exempt staff employees, or a combination of both exempt and non-exempt employees.
 - f. The panel members representing the unit where the employee works may not serve on the grievance panel.
 - g. Every effort should be made to include minorities, i.e. ethnic minorities and women, in the composition of the committee.

- h. The grievance panel shall hear the grievance within ten (10) workdays, if practicable, after the date on which the employee submits his/her written request to Human Resources.
 - i. The written recommendation of the institutional panel or commission is subject to review by the President.
 - 4. Step 4—Review by the President, as appropriate:
 - a. The written recommendation of the grievance panel will be forwarded to the President, as appropriate.
 - b. Within ten (10) work days, if practicable, the President, as appropriate, or a designee will notify the grievant of the final decision.
- D. Grievances which are processed through the grievance committee and upon which the President has made a decision are appealable to the Chancellor only where the grievance falls within the parameters set out in TBR Policy 1:02:11:00.

II. Non-Retaliation

- A. No employee shall retaliate or discriminate against another employee because of the latter employee's filing of a grievance.
- B. In addition, no employee shall coerce another employee or interfere with the action of another employee in the latter employee's attempt to file a grievance.
- C. Administrative, academic and supervisory personnel should also be informed that they are responsible for ensuring that the employee is free from retaliation, coercion and/or discrimination arising from the employee's filing of or intent to file a grievance.

III. Responsibility for Implementation

- A. The President, as appropriate or her designee of the institution has ultimate responsibility for implementation of the grievance procedures.
- B. Administrative, academic, and supervisory personnel are responsible for insuring that they inform and make available to all employees information concerning their right to file a grievance and their right to be protected from retaliation.

IV. Maintenance of Records

- A. Copies of written grievances, and accompanying responses and documentation should be maintained at a specified location(s) at TSU for at least two years after

the date of the employment decision.

- B. If a finding adverse to the grievant is made, the finding shall be maintained in the grievant personnel file.

REFERENCES

[Grievance Form](#)

[TBR Employee Grievance-Complaint Guideline P-110](#)

[TBR Support Staff Grievance P-111](#)

[TBR Policy No. 1:02:11:00](#)

Updated 8/2014