

AUBURN UNIVERSITY

Employee Relations Policies

8.0 Employee Relations

8.1 Recognition and Awards

8.1.1 **General** - A key resource of the University is the experience, expertise, and service of its employees. To help recognize and reward this dedicated service, the University has the Employee Recognition and the Spirit of Excellence award program. These programs are administered with the help of the Employee Recognition Advisory Committee.

8.1.2 **Employee Recognition Advisory Committee** - This committee is composed of nine University employees from a variety of campus areas and activities. The Director of Employee Relations is an ex-officio committee member and serves as its coordinator. Each member is appointed by the Assistant Vice President of the Department of Human Resources with recommendations from the two employees' governance groups. Each member of the committee serves for three years. The committee's objectives are to assist the program coordinator in planning for each year's Employee Recognition Program; review all nominations for the Spirit of Excellence Award and select four employees to receive this award each month and four employees for the annual Employee of the Year Award. The committee also provides assistance for any other recognition programs that might be planned for any particular year.

8.1.3 **Spirit of Excellence Award** - This award program recognizes a special group of employees for excellent service to Auburn University and is given each month to an employee from each of the following groups:

- a) Service/Maintenance
- b) Secretarial/Clerical
- c) Technical/Paraprofessional
- d) Administrative/Professional

8.1.3.1 To be eligible for a Spirit of Excellence Award winner, an employee must

- a) Be a regular Auburn University employee (excludes temporary employees, graduate student employees, county agents and extension specialists, and tenure track and non-tenure track faculty).
- b) Have at least one year continuous employment with Auburn University.

c) Have a satisfactory performance evaluation rating at the time of nomination.

8.1.3.2 Employees may be nominated for these awards by any regular Auburn University employee, including University faculty and are not limited to an employee's area of employment. In order to nominate an employee, a [nomination form](#) must be completed and sent to the Employee Recognition Advisory Committee, c/o the Department of Human Resources. Nominations must be received by the 15th of each month.

8.1.3.3 The Employee Recognition Committee will select an employee from each of the four employee groups based on the employee meeting one or more of these criteria:

a) Performs "beyond the call of duty" to improve service, quality, and the department's or the unit's image.

b) Exemplifies professionalism and dedication to excellent service by putting forth extra effort.

c) Makes outstanding contributions of significance to the University or department's effort to fulfill its mission.

d) Specific or sustained accomplishments that exceed normal expectations.

e) Outstanding business contributions of significance based on initiative, cooperation, and the ability to bring a job to a successful conclusion.

8.1.3.4 An employee selected as a Spirit of Excellence Award winner cannot be nominated again prior to the annual University-wide Employee Recognition Award ceremony. Each monthly winner of the Spirit of Excellence Award will be eligible to receive the Employee of the Year Award. The honorees will be announced and recognized at the annual Employee Recognition Award ceremony held in the spring of each year.

8.1.4 Employee Recognition Award Program - This award program recognizes employees for years of service to the University. Employees receive these awards based on years of service:

Years/Service Award

5 Pin

10 Pin

20 Pin

25 Clock

30 Watch

40 Chair

8.1.4.1 In order to receive an award in any particular year, the employee must have completed the appropriate years of service by December 31, of the year prior to the award ceremony. Honorees will be recognized for total years of service. Time worked before a break in service will be counted toward the total. Employees receive these awards for the years of service indicated.

8.1.4.2 Retirees will also be recognized during the award ceremony. Eligible retirees are those employees who qualify for retirement from Auburn University having ten or more years of creditable service and having reached 60 years of age. There are no restrictions on age of retirement for employees who are retiring with 25 or more years of creditable service.

8.2 Employee Assistance Program (EAP)

8.2.1 **Introduction** - Auburn University's largest investment and most valuable resources are its people. The goal of our Employee Assistance Program is to preserve and protect this valuable resource. A wide range of personal problems, not directly associated with one's position of responsibility, can adversely affect an employee's job performance. In most instances, the employee will overcome such personal problems independently, and the effect on job performance will be minimal. In other instances, normal supervisory assistance will serve either as motivation or guidance to resolve such problems, and the employee's job performance will return to an acceptable level. Sometimes, however, neither the employee nor the supervisor can resolve the employee's problem, and unsatisfactory performance exists.

8.2.2 **Purpose** - Auburn University recognizes that most human problems can be successfully treated or resolved, if identified early, and appropriate action or care provided. Such is the case whether the problem is emotional, marital or family, legal, financial, alcohol or drug related, or any other undetected behavioral/medical problem. The purpose of the Employee Assistance Program is to assure employees that if such personal problems are the cause of deteriorating job performance, the employees will receive an offer of assistance to help resolve such problems in an effective and confidential manner.

8.2.2.1 An important concern of the Employee Assistance Program is to help the employee with alcohol and drug-related problems. Auburn University recognizes alcoholism and drug abuse as illnesses which can be successfully treated. Thus, employees with these illnesses can expect to receive the same consideration and opportunities for treatment that are extended to employees with any other illness or health problem.

8.2.3 **Guidelines** - Auburn University believes that one of the basic functions at all levels of supervision is to identify below standard job performance and take the necessary steps to help the employee improve his or her performance. All supervisors are responsible for the effective adoption and implementation of this policy in their departments or units. In such situations the proper supervisory action is to refer the troubled employee, on the basis of deteriorating job performance only, to the EAP Coordinator who will, if necessary, refer the employee for appropriate consultation. However, the cause of below standard job performance may well be outside the realm of job responsibilities when the employee is unable or unwilling to correct the situation on his or her own or with normal supervisory assistance.

8.2.3.1 Auburn University becomes involved with an employee's behavioral, medical, and other personal problems only when the problems affect job performance, attendance, safety, conduct, and productivity. There is no wish or intent to intrude upon the private or personal life of an employee but rather to provide assistance where needed for his or her success.

8.2.3.2 Some employees may have problems that have not yet progressed to the point of seriously affecting job performance. Any employee who recognizes such problems may voluntarily contact the EAP Coordinator for confidential help.

8.2.3.3 An employee's job performance may be affected when a family member is troubled. For this reason, Auburn University extends the same offer of assistance, through the employee, to immediate family members.

8.2.3.4 Participation in Auburn University's EAP is voluntary to the extent that the employee will not be forced to participate in or accept recommended treatment. Refusing an offer to participate in the Employee Assistance Program will not be a basis for disciplinary actions and will not, in itself, be used against the employee. If the employee fails to follow recommendations, normal existing disciplinary action based on documented job performance will be taken.

8.2.3.5 Employees are responsible for the costs involved in resolving or treating any personal problem just as they are presently responsible for any costs for hospitalization or medical services. Auburn University's group health and hospital insurance coverage may cover all or a percentage of the cost of services of health care professional (including alcoholism and drug abuse treatment) to whom employees and their eligible dependents may be referred for assistance.

8.2.3.6 If the problem is not covered by health insurance, the EAP Coordinator will inform the employee in advance and work with the employee to locate other resources to provide assistance if needed.

8.2.3.7 **Confidentiality** - Referral for evaluation or acceptance of suggested treatment will in no way jeopardize an employee's job security or promotion opportunities. An individual's participation in the program will remain totally confidential and will not be made part of his or her personnel records. Medical and insurance records, if any, will be preserved in the same confidential manner as all other medical records. Program participation records will be maintained separately and independently of any other files, for the program staff's use only.

8.3 Employee Conduct and Job Rules

8.3.1 **General** - Auburn University's rules concerning employee conduct and job performance are simple, common-sense guidelines applicable to all categories of employees, including Administrative/Professional, Staff, and Faculty. They are necessary to ensure that all employees can work in an orderly, efficient, economical manner, free from disturbances which hinder job training, job production, and job enjoyment. It is the full responsibility of each employee to know what University and departmental rules and regulations do exist and to observe them at all times.

8.3.2 **Classification of Rules And Regulations** - Rules and regulations are classified by degree of severity so that corrective action can be consistently administered. The classifications of severity and the rules are intended as general guidelines to good judgment and fair treatment. Rules are not restricted to those listed, for some are covered by specific departmental regulations which will be discussed with the employee by the supervisor. Employees shall know and understand what these other regulations contain as well as the general conduct and job performance rules listed here.

8.3.3 **Group I** - Employees found in violation of these rules and regulations will be subject to immediate discharge:

- a. Intimidating or intentionally imposing on the rights and privileges of other employees.
- b. On University property, drinking intoxicants or using drugs particularly when there may be an adverse effect or danger to other employees.
- c. Changing or otherwise falsifying or forging any University records, permits, time cards or time sheets, licenses, certifications, passes, badges, or the approving signatures thereon.
- d. Indulging in grossly offensive, obscene, or immoral conduct.
- e. Deliberately restricting production output and/or University operations or concealing defective work.
- f. Stealing or misappropriating University property or property belonging to other employees.
- g. Intentionally defacing or damaging University property or the property of other employees.
- h. Fighting on University property or creating disturbances which adversely affect morale, production, studies, or discipline.
- i. Any other actions not listed in a-h above but considered by the University as constituting major misconduct, insubordination, gross negligence, or gross disregard of obligation to the University. Such actions will include violation of another employee's protection against discrimination or harassment as set out in the Equal Opportunity Affirmative Action Policy of Auburn University.

8.3.3.1 **Note:** Under certain circumstances, being convicted of a criminal offense outside of the University could lead to discharge. Specific action will be determined by the nature of the offense and the employee's job performance.

8.3.4 **Group II** - Employees found guilty of these actions, except where the circumstances are extremely aggravated, will be given a last Formal Written Reprimand which will show that any repetition of the violation or further violation of University rules, generally within six months, could result in discharge. Such written reprimands will be posted to the employee's individual record.

- a. Sleeping while on duty during working hours.
- b. Continually or intentionally disregarding any appropriate departmental or University rules.
- c. Reporting to work under the influence of intoxicants, narcotics, or drugs particularly when there may be an adverse effect or danger to other employees.
- d. Refusing to obey reasonable and necessary orders or job assignments or using abusive or threatening language.
- e. Indulging in horseplay or malicious mischief in any form.
- f. Smoking in nonsmoking areas or disregarding any University security or fire regulations.
- g. Leaving University premises prior to the end of any normal work period without prior notice or approval.
- h. Failing to return to work at the end of an authorized leave period unless supervision has been advised of the reason for delay.

8.3.5 **Group III** - Employees who are guilty of these actions listed, except where circumstances are extremely aggravated, will be (in order and as repeated violations occur)

- a. Given an oral reprimand.
- b. Given a written formal reprimand.
- c. Given a last formal reprimand showing the employee was advised that future offenses could be subject to demotion, suspension or discharge.

8.3.5.1 These actions are:

- a. Failing to immediately report to the employee's supervisor all injuries or illnesses occurring at work.
- b. Continually disregarding normal safe work practices.
- c. Contributing to poor housekeeping or unsanitary conditions.
- d. Practicing poor personal hygiene.
- e. Distracting or annoying other employees while they are performing assigned duties.
- f. Damaging University property and equipment through improper use or lack of care.
- g. Abusing sick leave privileges.
- h. Failing to notify the employee's supervisor each day of any absence from scheduled work.
- i. Failing to comply with a department's dress policy.
- j. Having continued absences or tardiness from scheduled work for which the reasons for absence or tardiness are not considered valid.

8.3.5.2 **Note:** Employees serving in their probationary periods of initial employment or re-employment are considered to be on a trial basis, and they could be formally disciplined and/or discharged for any conduct or job performance rule violation during this probationary period. **They also do not have a right of appeal except for grievances pertaining to instances of discrimination or harassment based on race, color, religion, sex, age, disability, national origin, or veteran's status.**

8.4 Progressive Disciplinary Procedures

8.4.1 Auburn University encourages open and informal discussion of complaints and problems between supervisors and employees. Supervisors should encourage employees to discuss their complaints and problems with them. When a conflict between supervisors and employees cannot be resolved through normal channels, one or both parties may seek resolution and advice from the Department of Human Resources. Employees also have access to the employee grievance process contained in sections 8.6 (Administrative/Professional) or 8.7 (University Staff).

8.4.2 The supervisor is responsible for establishing and maintaining a work environment where employees can improve their job performance. The supervisor's continuing emphasis on developing correct work habits through effective orientation, training, and performance review and on regular and meaningful communication is essential in contributing to the productivity and well-being of employees and developing good employee/management relations.

8.4.3 Disciplinary action should be corrective rather than punitive. A series of disciplinary actions may result in dismissal, unless dismissal is the result of a major act of misconduct. The kind of corrective action initiated by the supervisor depends upon the severity of the situation. Wherever possible, counseling should be used before formal corrective action is taken.

8.4.4 The supervisor needs to ensure that employees under his or her supervision have been informed in advance of poor performance or bad job conduct, so that if an occasion occurs that requires corrective action, there should be less of a chance for any misunderstanding on the employee's part concerning the action taken.

8.4.5 Before determining what form of corrective action to take, a supervisor should follow these procedures for progressive discipline:

a) Identify the job performance problem and discuss it with the employee as soon as possible; and use discretion: One single incident may not necessitate action, but deviation from acceptable job performance patterns should be identified early.

b) Be specific in describing the performance problem; make sure the employee understands exactly where he or she needs to improve and to what extent; and explain the consequences of continued job performance deterioration.

c) Keep discussions focused on job performance problems and keep emotions in check.

d) When reprimands are given, ask the employee what action he or she will take to solve the problem: Follow-up discussions should determine whether the employee is actually taking action, particularly in cases where the performance continues to deteriorate. The supervisor may use his or her discretion in deciding how direct to be in these matters.

e) Avoid diagnosing personal problems as causes of unsatisfactory job performance; and leave diagnosis to the professionals who are qualified to conduct assessments and provide referrals.

f) If a relapse occurs, treat it on an individual basis, depending upon the employee's progress and attitude.

g) In cases of dismissal, make sure the employee has a pre-termination hearing in order that they may give their side of the situation.

8.4.6 Informal Private Discussion of the Problem with the Employee

a) Review the problem (attendance, job performance, general behavior, etc.) with the employee; listen to the employee since there may be mitigating circumstances of which the supervisor is unaware, and be sure that the employee understands what is expected of him or her and point out your expectations in order to gain understanding.

b) Inform the employee of the Employee Assistance Program for self-referral if a need for assistance is indicated. See section 8.2.

c) Document the discussion for future reference, to include Employee Assistance Program

advisement and availability; emphasize to the employee that confidentiality will be maintained and that the Employee Assistance Program is strictly voluntary; and keep the documentation in your personal file if needed for future reference.

d) If improvement occurs, advise the employee accordingly.

8.4.7 Written Reprimand

a) Review the problem with the employee and make sure that he or she understands that the action is taken because of unsatisfactory job performance or workplace behavior.

b) Inform the employee of the Employee Assistance Program for referral if needed.

c) Review what is expected of the employee and why; explain to the employee why his or her performance is unsatisfactory or below required standards; and offer suggestions and set goals for improvement.

d) Document the discussion to include Employee Assistance Program advisement and availability; furnish a written copy of the reprimand to the employee within one week covering the points discussed during the meeting; ensure that the statement includes the fact that the employee was advised that an Employment Assistance Program is available, if the employee desires assistance; ask the employee to sign the reprimand: The employee's signature does not necessarily mean agreement with the reprimand, but that the employee is aware of it; and send a signed copy of the reprimand to the Department of Human Resources to be placed in the employee's file.

e) Establish a follow-up date to review progress with the employee and document whether steps have or have not been taken toward correction. The appropriate time frame will vary with each employee, depending on his or her abilities and the severity of the problem.

Note: It is important in these first two steps to encourage the employee to give his or her views on the performance problem in order to avoid any misunderstandings. The supervisor should encourage the employee to acknowledge that there is a current job performance problem on his or her own or with normal supervisory guidance. The supervisor should not assume that personal problems are the cause of low performance, nor should the supervisor attempt to diagnose such problems. If the employee admits to a personal problem, the supervisor should ask whether the employee would like to discuss the problem with a counselor, either by self-referral or an EAP arranged appointment.

8.4.8 Form – The corrective action form can be found on the Human Resources [website](#).

8.4.9 Written Final Reprimand

a) If the problem is not corrected, issue a written final reprimand to the employee; make sure the employee understands the significance of the written reprimand and why he or she is receiving one; ask the employee to sign the reprimand and send a signed copy of the reprimand to the Department of Human Resources to be placed in the employee's file.

b) If there is a need, offer the assistance of the Employee Assistance Program.

c) The written final reprimand must outline steps for improvement of the employee's work performance and state that without significant improvement, action for dismissal, demotion, or suspension will be taken.

d) Establish a follow-up date; and review progress with the employee on the established date and document that progress or the lack thereof.

8.4.10 Job Action - If previous steps have not resulted in improved job performance, specific action should be taken. It may take one of the these forms:

a) **Suspension** - Occurs when an employee is not allowed to work for a specific period of time. This is usually without pay. However, there are times when an investigation of an employee is alleged wrong doing is needed, and in these cases the employee may be suspended with pay until the investigation is completed and a decision is made.

b) **Demotion** - May be appropriate when an employee is otherwise in good standing but is in a job for which he or she is not qualified to perform. It may also occur as part of the result of corrective action that is taken against an employee. A demotion results in a downgrade in classification and/or pay.

c) **Dismissal** - Occurs when an employee is relieved of his or her duties as an employee of the University. Dismissals should be closely coordinated with the Department of Human Resources and the appropriate Dean, Director, Department Head or Vice President before termination of an employee is completed

8.4.11 An employee who receives formal written reprimand, or is suspended or discharged, has full recourse through the appropriate University Administrative/Professional or University Staff grievance procedures, found in sections 8.6 and 8.7, respectfully.

8.4.12 Individual counseling and corrective actions are necessary motivating steps for employees to improve their conduct or job performance. It is equally important that full recognition be given to employees who do make real and successful efforts to correct their deficiencies.

8.5 Involuntary Terminations - Auburn University reserves the right to manage its workforce as stated in section 1.1.3. However, consistent with sound management practices, employees are generally only subject to discipline or dismissal for cause. Each individual case for dismissal will be evaluated on its own set of circumstances. Proper procedures for dismissing an employee from the University are essential to ensure that any employee's rights are protected. This protection is accomplished through an appropriate hearing which is conducted to ensure that the employee's position is heard and evaluated by supervision before any final decision is made. The following steps will be taken prior to making a decision of dismissal.

a) The employee will be advised that he or she has allegedly committed a serious violation of University work rules and that the circumstances are being reviewed. The employee will be provided an approximate time for the review to be completed.

b) Upon completion of the review, the employee and the supervisor will establish a time for a

conference. During the conference, the details of the rule violation will be explained to the employee, and the employee will be given an opportunity to explain his or her action and to present evidence in addition to his or her own statements. At the conclusion of this meeting, the supervisor will establish the time by which he or she will reach a final decision on this matter.

c) If the decision is one of dismissal, the supervisor will inform the employee of that decision and of his or her rights to appeal that decision through the respective grievance procedure.

8.5.1 Pre-termination hearings and dismissals will be coordinated through the Department of Human Resources and the appropriate Dean, Director, Department Head or Vice President.

8.5.2 **Categories for Involuntary Termination** There are three categories for involuntary termination of employment from Auburn University:

a) **Termination for Cause with Immediate Discharge** - Rules for general conduct and job performance are listed in section 8.3. Employees committing Group I actions will be subject to immediate discharge from Auburn University and will not be eligible for reemployment.

b) **Termination with Notice** - Employees may be terminated with notice for reasons related to substandard performance or for inappropriate job behavior. For substandard performance, the supervisors must have a record of appropriate employee counseling; and for inappropriate job behavior, the supervisor will have exercised the four steps of the progressive discipline procedure.

8.5.3 **Reduction in Force/Layoff Policy**

<https://sites.auburn.edu/admin/universitypolicies/Policies/ReductionInForceLayoffPolicy.pdf>

8.6 **Administrative & Professional and University Staff Grievance Procedures**

8.6.1 Purpose: To set forth a procedure for the resolution of grievances for University Staff and Administrative & Professional employees at Auburn University.

8.6.2 **Definitions**

Employee: Refers to a non-faculty individual (exempt or non-exempt) currently employed by the University who has completed his/her probationary period.

Grievance: A grievance is an allegation by an employee that there has been a violation, misinterpretation, misapplication, or unreasonable application of a University policy, procedure, rule, or regulation regarding the employee's employment conditions.

Grievance Committee: A committee of the employee's peers formed to assist employees in the resolution of employment related conflicts.

Grievance Hearing Panel: A subset of the Grievance Committee selected to review and make recommendations for the resolution of a specific employee grievance.

8.6.3 **General Policy**

A staff, administrative, or professional employee who is seeking a solution concerning a disagreement, constituting a grievance, as defined in paragraph 8.6.2 above, may seek such a resolution using this policy.

Employees who feel they are being discriminated against because of race, color, sex, national origin, religion, age, veteran's status, or disability should immediately and directly take the issue to the Office of Affirmative Action/EEO which can be reached at (334) 844-4794 or via the web at <http://www.auburn.edu/administration/aaceo/>

While the University recognizes the employee's right to file a grievance, the employee must discuss his/her concerns with the immediate supervisor and/or department head before filing a grievance. If the immediate supervisor is alleged cause of the grievance, the grievant will take the concern to the next level of management. Experience shows that most concerns can be resolved informally at the supervisory level without the need for a formal grievance. The Human Resources Office provides mediation services to assist an employee in resolution of a problem or conflict.

Grievances based upon the termination of a non-probationary employee or the significant or continued reduction of pay as a result of disciplinary action qualify automatically for a hearing if a timely request is made by the grievant.

The grievance process is not a formal court proceeding, but is a peer review process for employees to resolve grievances.

8.6.4 Pre-grievance Mediation

Disputes between employees and supervision that are not settled through discussions between management or the Human Resources Department can be submitted to mediation. Management or the employee can request mediation. Either party can request mediation by notifying the Human Resources Department of their willingness to mediate. Mediation is a less formal means of settling disputes and is strongly encouraged as an alternative to filing a grievance. Both parties must agree to mediate, otherwise the process cannot proceed. Either party must notify the Human Resources Department within fifteen working days from the occurrence of the dispute of their intent to mediate. Human Resources will provide access to trained mediators available to facilitate the process. If you need assistance, please contact Human Resources at 844-4145.

8.6.5 Form

Copies of the official Auburn University Grievance Form are available from the Human Resources Office or via the [web](#). The form is to be used by all employees seeking resolution of a grievance under the grievance procedure. The Grievance Committee should not consider a grievance unless it is properly submitted on the official grievance form. The completed form shall be submitted to the Human Resources Office, which will be responsible for forwarding copies to the appropriate individuals.

8.6.6 Time Limits

The time limits prescribed in paragraph 8.6.12 below must be strictly followed unless they are

extended by mutual written agreement. Failure of the employee to adhere to the time limits shall result in his/her waiving all rights under the grievance procedure for the issue(s) raised in the grievance. Failure of the person(s) against whom the grievance is filed to adhere to the time limits will authorize the employee to move to the next step of the grievance procedure. An exception to this rule may be made in cases when the Grievance Committee Chair requires additional time to research the issues stated in the grievance.

8.6.7 Examples of Actions Which Are Not Grievable

- Salaries
 - Hiring salaries
 - General salary adjustments
 - Promotional salary adjustments
 - Other salary adjustments
- Performance reviews
- Verbal counseling
- Voluntary resignations
- Position elimination due to restructuring and/or layoffs
- Position classification/reclassification decisions
- Hiring and promotion decisions
- Actions that fall within the purview of the AA/EEO Office
- Termination from employment during initial probationary period.
- Termination from employment based on felony conviction or unavailable for work due to incarceration
- Termination from employment while in a temporary employment status
- Any action that cannot be substantiated with facts (i.e., Employee cannot bring forth a grievance based on assumptions, rumors, innuendo or gossip)
- Matters that are already under review or for which a decision has been rendered under another process

8.6.8 Employee Advisor

Employees shall have the right to have one advisor of their choice present at each step of the grievance procedure. Such advisor may observe all proceedings and may only confer with the employee. The advisor has no formal voice in the process. The advisor, if also a University employee, shall, at such times as approved by the advisor's supervisor, be granted the necessary time off during working hours to attend formal proceedings without loss of pay and without charge to annual or compensatory pay. The time needed to prepare grievance materials should be done on the employee's time off.

The advisor may also be an individual selected from outside the University. However, if the advisor selected by either party is an attorney, notice must be provided to the remaining party through the Grievance Committee. In cases where a grievance is filed by a subordinate against a supervisor, a supervisor may not select an attorney as an advisor unless the grievant has chosen an attorney as his or her advisor. Attorneys must follow the same guidelines as other advisors with regard to participation in the grievance process.

8.6.9 Witnesses

Employees shall have the right to submit a list of potential witnesses to support their allegations. The Grievance Hearing Panel will make the determination as to which witnesses will be called to testify. In the event that a witness is unable to attend the formal grievance proceedings, and the Hearing Panel has determined the witness has relevant information, an affidavit may be submitted.

Witnesses will not be required to testify under oath. However, each witness who is an employee of the University should be aware that any deliberate falsehood can result in a disciplinary action against the witness.

The Grievance Hearing Panel may grant adjournments of reasonable length to enable either party to investigate evidence if the Hearing Panel believes a valid claim of surprise is made concerning that evidence.

Grievance Hearings shall be closed. No witness (except the parties themselves) will be allowed to hear the testimony of any other witness.

8.6.10 Retaliation

No employee or faculty member is to take reprisal action against an employee who uses the grievance procedure, serves as an advisor, or participates in any way (e.g. witness) in the grievance process. Any employee or faculty member violating this prohibition against retaliation may be subject to disciplinary action, up to and including, termination. Additionally, no employee or faculty member is to use an official position to attempt to improperly influence the grievance process.

8.6.11 Withdrawal of a Grievance

In certain instances, a grievance may be dismissed. All parties to a dismissal will be notified in writing. Examples of dismissals are withdrawal by the grievant, determination by the Hearing Panel, or voluntary resignation of the grievant. A voluntary resignation of employment from Auburn University by the grievant will automatically terminate the process of the Formal Grievance Hearing.

8.6.12 Steps in the Grievance Procedure

Step 1:

An employee is expected to file a grievance form, along with additional supporting documents as they deem necessary, to the Human Resources Office within forty-five (45) calendar days of the alleged occurrence. Once the grievance has been filed, the Human Resources Office will forward a copy to the appropriate Chair of the Grievance Committee.

Step 2:

The Grievance Committee Chair has five (5) working days to make a determination as to whether or not the issue is grievable with assistance from Human Resources in an advisory role. If the Grievance Committee Chair determines that the issue is not grievable, he/she will mark the appropriate box, state

the reason the issue is not grievable, sign the form and return to the Human Resources Office. If the Grievance Committee Chair determines that the issue is grievable he/she will mark the appropriate box, sign the form and then proceed to Step 3.

Step 3:

Once an issue is determined to be grievable, the Human Resources Office will forward a copy of the grievance form and statement to the person(s) against whom the grievance has been filed. He/she has ten (10) working days to provide a rebuttal statement upon receipt of the documents. When the person against whom the grievance has been filed has completed his rebuttal statement, it should be forwarded, along with all supporting documents, to Human Resources and the appropriate Grievance Committee Chair.

During the same ten (10) working day period, the appropriate Grievance Committee Chair will work with the grievant and the person(s) against whom the grievance has been filed to select a Grievance Hearing Panel from the Grievance Committee(s).

The Grievance Committee will consist of fifteen members appointed at-large from their respective governance group. A minimum of one member from each of the major vice presidential representative's categories will be maintained on the committee at all times. The chair will be elected from within the Grievance Committee and will serve for a one year term.

The Hearing Panel will consist of three (3) individuals. It will be the responsibility of the Grievance Committee Chair to determine who is available to serve on the Hearing Panel. Refusals should be based on strong reasons such as recent service on a large number of hearings, prior commitments that make service difficult to arrange, or knowledge of the parties or issues that makes it difficult to be impartial. The Grievance Committee Chair may, at his or her discretion, request a replacement panel member if extended illness or other circumstances prevent discharge of the Hearing Panel member's responsibility.

A list of all eligible committee members who have not been recused will be supplied to both parties of the grievance by the Grievance Committee Chair. The grievant and the person(s) against whom the grievance is filed will each select one member from their respective Grievance Committee Groups. Each party will have two (2) working days to make their choice. In the event that both parties choose the same person, the grievant will have an additional two (2) working days to choose a second member. The third participant in the Hearing Panel will be selected by the two (2) members of the newly appointed Panel from the Grievance Committee Groups. It is the responsibility of the Hearing Panel to select its Hearing Panel Chair.

Once the Hearing Panel has been selected, the Grievance Committee Chair will distribute all statements and will contact all parties to establish a hearing date and location.

Step 4:

The Hearing Panel will be an informal proceeding. The Hearing Panel may admit any evidence that it considers to be of value in determining the issues subject to the Hearing Panel's judgment as to the relevance, credibility and weight of the evidence. The Hearing Panel may ask the parties to produce evidence of specific issues, may examine witnesses, and may call and examine its own selection of

witnesses. Both parties and the Human Resources Office will cooperate with the Hearing Panel in obtaining witnesses and making documents and other evidence available as needed by the parties or the Hearing Panel unless it is determined by the Vice President or President that the information sought is confidential and not subject to release. Each member of the Hearing Panel shall avoid any discussions of the case with the parties or their advisors before the hearing.

During the hearing, each party will have the right to ask questions of all witnesses appearing at the hearing and may rebut any evidence heard by the Hearing Panel.

An official record (tape recorded or otherwise) of the hearing will be made by the Hearing Panel. A copy may be made available to each party upon request.

The Hearing Panel will base its findings and recommendations solely on relevant facts surrounding the issues and material presented during the hearing. The Hearing Panel will render a consensus opinion. The Hearing Panel's findings and statements of recommendations shall be prepared in writing and submitted to the grievant, the person(s) against whom the grievance was filed, the appropriate Grievance Committee Chair(s) and Human Resources Office within fifteen (15) working days of the Hearing.

Human Resources Office will report the Hearing Panel findings and recommendations to the appropriate Vice President. If the Vice President was a party to the original grievance or the direct supervisor of the employee, then the findings and recommendations shall go to the President.

Upon receipt of the Hearing Panel's recommendation, the Vice President will have thirty (30) calendar days to note his/her response on the Grievance Form, sign and forward to the Human Resources Office. The Human Resources Office will then notify all parties of the University's final disposition of the grievance.

No employee will be entitled to more than one formal hearing on the same complaint.

Retention of all records, tapes, and committee notes will be returned to the Grievance Committee Chair who will submit them to the Human Resources Office for final retention.

Revised: **8/15/05**
5/01/17
4/22/18