

Policy Name: Grievance Appeal Policy

Policy Owner: Equal Opportunity, Compliance, and Conflict Management

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Reviewed By: Office of the General Counsel, GTHR-Employee Relations, Impartial Board of Review Hearing Officer and Impartial Board of Review Members.

Policy Steering Committee Approval: April 2025

Policy Purpose: The Grievance Appeal Policy retires and consolidates the Impartial Board of Review Policy, the Suspension without Pay Appeal Policy and the Demotion Appeal Policy into a new Grievance Appeal Policy (7.3). While existing policies have individual and separate dispute/appeal processes, the new Grievance Appeal Policy established the Impartial Board of Review (IBR) as the sole appeal process for **staff** to dispute covered administrative actions (to include suspensions without pay, demotions, and dismissals/terminations for cause) in a manner that is consistent and aligns with relevant USG/BOR policies and procedures. The policy explains requirements and use of the Impartial Board of Review appeal process and is intended to decrease employee confusion as to which policy to review regarding an employment matter. There are no new requirements or prohibitions outlined in this policy, just aligning terminology and ensuring readability for employees.

Summary of Substantive Policy Elements:

- Provides uniform appeal procedure for covered staff employment actions;
- Defines and outlines steps in the appeal process;
- Defines roles and responsibilities of the Hearing Coordinator, Hearing Officer, Grievant, Management Representative and IBR Members;
- Provides information on related USG Board of Regents policies.



Georgia Institute of Technology®

Grievance Appeal Policy

Policy No. 7.3

Type of Policy: Administrative

Effective Date: TBD

Last Revised: NA

Policy Owner: Office of Equal Opportunity, Compliance, and Conflict Management (EOCCM)

Policy Contact: Dr. Ann Harris, Compliance Adviser, ann.harris@gatech.edu

1. Reason for Policy

The Georgia Institute of Technology is committed to the fair treatment of employees. Accordingly, the Institute has established this Grievance Appeal Policy, which is in alignment with policies and procedures outlined in the University System of Georgia (USG) Human Resources Administrative Practice (HRAP) Manual Dismissals, Demotions, and Suspensions Policy as well as the USG Grievance Policy. This Policy will outline the requirements for Institute Appeals related to administrative actions for suspension without pay, demotion, and dismissal/termination for Staff employees as defined by this policy. The Policy describes the Impartial Board of Review appeal process and the appeal requirements when disputes cannot be resolved through other administrative channels of the Institute.

2. Policy Statement

The Policy provides an avenue of redress beginning at the lowest possible level as well as for subsequent resolution levels.

Staff may utilize the process articulated in this Policy to appeal Suspensions (as defined by USG policy), Demotions and Dismissals for cause.

According to the University System of Georgia's grievance policy, the following types of grievances are prohibited:

- Promotion and Tenure decisions
- Performance Evaluations
- Hiring Decisions

- Classification Appeals
- Challenges to Grades or Assignments
- Challenges to Salary Decisions
- Challenges to Transfer and Reassignments
- Terminations or layoffs because of lack of work or elimination of position
- Investigations or decisions reached under the Institute's Nondiscrimination and Anti-Harassment Policy
- Terminations that occurred during the six (6)-month provisional period
- Terminations due to a reorganization, program modification, or financial exigency (such employees may apply to the Board of Regents for review)
- The issue underlying the grievance is a charge of discrimination pursuant to the protections afforded by the Nondiscrimination and Anti-Harassment Policy. Such charges should be directed to the Institute's Nondiscrimination and Anti-Harassment (NDAH) Officer.

First Level of Appeal – Appeal to Manager

The first level of appeal will be to the Skip Level Manager of the person who issued the original employment action decision. The Grievant shall submit their appeal in writing within five (5) business days of the challenged action, indicating specifically why they believe the decision was improper and should be reversed. The manager of the decision-maker may also meet with the Grievant if they believe it would be beneficial in their review of the matter. Instructions for the appeal process are contained in the employment action letter. Templates for employment action letters are developed by GTHR-Employee Relations.

The Manager will provide written notification of their decision to the Grievant, including information on how to contact The Hearing Coordinator in the event they wish to appeal to the Impartial Board of Review (IBR).

Second Level of Appeal – Impartial Board of Review

If the Grievant member wishes to pursue a second level appeal, they may file an appeal to the Impartial Board of Review (IBR). After receiving the Manager's written decision regarding the appeal, the Grievant must formally request to appeal the original employment action to the Impartial Board of Review within 5 business days of the date of the Manager's appeal decision letter. The request must be made by completing the Petition for Review Form.

The Hearing Coordinator will make every effort to schedule a hearing date within thirty (30) business days from the time that a Grievant officially submits an eligible Petition for Review Form to the IBR. Should extenuating circumstances exist for the Grievant, they may submit a written request for the hearing to be scheduled beyond this period.

A Grievant's failure to cooperate with document submission or other requirements set out in this policy or as required by the Hearing Coordinator, or Grievant's failure to appear for a scheduled IBR briefing or hearing, will constitute a waiver of the right to appeal.

Should the Grievant allege any form of race, age, sex, color, national origin, sexual orientation, or disability discrimination as a basis for the grievance, the case will be immediately referred to the Institute's Non-Discrimination Anti-Harassment (NDAH) Officer and will not proceed through the Grievance process.

IBR Board Members

Appeals are heard by a panel consisting of three IBR Board Members. IBR Board Members serve on three-year terms and may serve more than one term. IBR Board Members will also complete formal training on their roles and the hearing process.

The Hearing Coordinator selects IBR Board Members to serve on appeal panels and ensures that selected panel members do not have a conflict of interest and do not work in the same department as the Grievant. Additionally, the Grievant and Management Representative may object to any IBR Board Member who they believe, with reasonable cause, may be incapable of remaining impartial throughout the process. The Hearing Coordinator will inform the parties of the process and timeframes for filing objections. Objections to any IBR Board Member must be submitted to the Hearing Coordinator as soon as possible, but no later than the scheduled briefing with the Hearing Officer.

Additionally, the Hearing Coordinator will provide the IBR Board Members with a copy of all exhibits and documents for review in advance of the hearing date. The Hearing Coordinator will notify the IBR Board Members of the date, time, and location and/or virtual meeting logistics for the scheduled hearing.

Witnesses and Evidence

Evidence shall be limited to witness testimony and documentation that is directly relevant to the employment action in dispute.

The IBR is not bound by the strict legal rules of evidence and may receive any evidence of probative value in order to determine the issues involved; however, every effort will be made to obtain the most reliable evidence available. All substantive matters related to the admissibility of evidence or procedural matters are decided by the presiding Hearing Officer.

Witnesses for the IBR hearing must be current Staff of Georgia Tech, regular or temporary, in good standing. The following groups of individuals may not serve as witnesses:

- Students (A student employee acting as a witness based on their involvement as an employee is not included in this prohibition)
- Members of the staff of the Office of the President (direct and indirect reports)

- GTHR Business Partners (inclusive of GTHR Associate Directors of HR, HR Consultants, HR Coordinators)
- Members of the Employee Relations Team
- Members of the staff of the Office of Legal Affairs
- Former Employees

The Hearing Officer may approve an exception to this rule if such witnesses are directly relevant to the issues raised by the grievance.

Witnesses shall not be harassed, intimidated, or otherwise penalized for appearing at a hearing. The Grievant and Management Representative must obtain their own witnesses. Witness participation is voluntary, and any proposed witness may elect not to participate. The Grievant and Management Representative may each identify up to three (3) witnesses, unless additional witnesses are approved by the Hearing Officer.

A list of proposed witnesses and a copy of all proposed exhibits and documentation must be submitted to the Hearing Coordinator prior to the scheduled briefing with the Hearing Officer. The Hearing Coordinator will inform the parties of the process for submitting the exhibits and documents and set a timeline for submission. Failure to provide witness information, documentation or exhibits may result in the exclusion of the information from the hearing.

Each party shall have the opportunity to present documentation, exhibits and evidence, which the Hearing Officer has previously approved at the IBR briefing and has deemed to be appropriate as well as relevant to the grievance.

Advisors

The Grievant may have an Advisor present at the hearing. This Advisor cannot be an attorney, a student, a member of the Office of the President, a member of the staff of Georgia Tech Human Resources, or a member of the staff of the Office of Legal Affairs. Grievant must obtain the Advisor on their own behalf and inform the Hearing Coordinator of the advisors' name and contact information. The Advisor must be a current Georgia Tech employee, regular or temporary in good standing. During the hearing, the Advisor may only communicate with the Grievant and is not permitted to question witnesses or advocate to the Hearing Officer or panel on the Grievant's behalf.

Hearing Process

The parties involved are required to attend separate briefings with the Hearing Officer no later than one (1) week prior to the hearing. The purpose of the briefing is to review the hearing protocol and answer any questions about the process. Each party's proposed exhibits, documents and witness list will be reviewed at the briefing. Failure to attend the briefing or any other scheduled meeting in support of the grievance process without due cause will result in immediate loss of appeal rights.

The Grievant and Management Representative may present relevant evidence upon approval by the Hearing Officer, including up to three (3) witnesses. No cross-examination of hearing participants is permitted during the proceedings.

Recommendations of the IBR

The IBR, after considering all relevant evidence, will make a recommendation as to whether the facts/information presented during the hearing supports the identified employment action, using the preponderance of evidence standard. The IBR's report shall be based on evidence admitted for the hearing, including statements from the Grievant, Management Representative, and witnesses. The IBR's recommendation will be by majority vote. The Hearing Officer shall prepare a written report that includes the findings and all relevant information. The report will be submitted to the to the President (or the President's designee), who shall make the final Institute decision. The Grievant will be informed of the final Institute decision in writing and advised of any further right to appeal.

Confidentiality

All efforts shall be made to keep the details regarding the grievance and IBR hearing confidential. All witnesses, participants, Hearing Officers, Hearing Coordinators, and IBR Board Members will strive to maintain confidentiality by sharing information related to the grievance and the IBR hearing only with parties directly related to the matter. The hearing will be closed, and only the Hearing Officer, the assigned IBR members, Grievant, Grievant's Advisor, Management Representative and Hearing Coordinator will be present in the hearing. Witnesses will be admitted to the hearing only during their testimony and then immediately dismissed. Georgia Tech will maintain confidentiality, but records maybe subject to disclosure subject to state open records and meetings laws.

Non-Retaliation

All parties participating in activities under the Grievance Appeal Policy are protected from retaliation pursuant to the USG and Georgia Tech's Non-Retaliation Policy.

3. Scope

This policy applies to benefits eligible, permanent staff employees of the Georgia Institute of Technology. This policy does not apply to faculty, temporary staff, and those staff within their first six months of employment.

4. Definitions

Staff	Employees working in Staff Professional, Administrative, and Non-exempt positions as defined by the USG Policy on Employee Categories.
Demotion	A demotion is defined as a reassignment from one position to another position at a lower pay grade or salary range. A demotion can also be defined as a reassignment of duties to a lower level of pay or responsibility even if there is not a change in the employee's job title or position. Involuntary demotions may occur if work is eliminated, abolished or reorganized, as a disciplinary action or if a classified employee is unable to perform the work satisfactorily.
Dismissal	Termination of employment for cause. Termination of employment due to a RIF or position elimination is excluded.
Grievance	A formal concern raised by an individual regarding a personnel decision (suspension, demotion, dismissal) perceived to be unfair, unjust, or in violation of established policies, procedures, or rights. The grievance seeks a resolution or remedy through a structured appeals process, ensuring due process and fairness.
Grievant	The individual that formally submits a grievance, seeking resolution or remedy for a perceived unfair, unjust, or improper decision, action, or treatment, through the established appeals process.
Hearing Coordinator	The Hearing Coordinator is an employee that is designated to serve as the central point of contact for the administration of the appeal process and conduct of all appeal related activities.
Hearing Officer	The Hearing Officer presides over IBR appeal proceedings.
Impartial Board of Review (IBR)	A designated group of employees assigned to consider and review Grievances filed by an employee in response to a Suspension, Demotion or Dismissal for cause.
Impartial Board of Review Members	IBR Members are employees who have been identified to hear appeals requested by the Grievant.
Management Representative	A Management Representative is an employee designated by the Department to present evidence in IBR activities and proceedings.
Provisional (Probationary) Employee	An employee hired to fill a regular position within first six (6) months of employment. Pursuant to USG Provisional

	Appointments Policy . An employee may be terminated at any time during the provisional period without a right of appeal.
Suspension	A period of time an employee is not allowed to work and for which the employee will receive no compensation when it has been determined the employee's performance of duty or personal conduct is unsatisfactory.

5. Forms

Title	Link
Request for Hearing	Petition for Review Form

6. Responsibilities

Hearing Coordinator

The Hearing Coordinator is responsible for (including but not limited to) the following:

- Coordinating and communicating with the Grievant, management representative, and witnesses regarding briefing and/or hearing times, dates, locations and/or virtual meeting logistics; document submission and transmission, identification, and participation of witnesses and /or advisors as appropriate;
- Coordinating and communicating with the Hearing Officer and IBR Board Members regarding briefing and hearing times, dates, locations and/or virtual meeting logistics, document provision and transmission for review;
- Maintaining and providing appeal documentation to accompany final reports;
- Selecting IBR Board Members for assignment to appeal hearings;
- Coordinating IBR Board Member selection and training activities.

Hearing Officer

The Hearing Officer must be unbiased and is responsible for:

- Training IBR members on committee expectations and processes;
- Presiding over the appeal briefings and hearings;
- Preparing a report to Legal Affairs and the President (or designee) in a timely fashion;
- Disclosing real or potential conflicts of interest with the Grievant or management representatives;
- Reviewing and clarifying the process and order of proceedings to the Grievant and management representative;
- Reviewing/approving Grievant and management witnesses, documents, videos, or other exhibits for use as evidence in appeal hearings.

Grievant

The Grievant is responsible for:

- Contacting the Hearing Coordinator in a timely manner and as instructed in the employment action letter;
- Completing the Online IBR Appeal Request Form in a timely manner and as instructed;
- Providing and preparing documents, videos, other exhibits and witness lists to the Hearing Coordinator in a timely manner and as instructed;
- Attending the scheduled IBR Briefing and Hearing. Failure to attend these sessions forfeits appeal rights;
- Disclosing real or perceived conflicts of interest with selected IBR Board members;
- Maintaining confidentiality regarding the IBR proceedings;
- Identifying an advisor, if desired.

Management Representative

The Management Representative is responsible for:

- Responding to the Hearing Coordinator's informational requests in a timely manner and as instructed; Providing and preparing documents, videos, other exhibits and witness lists to the Hearing Coordinator in a timely manner and as instructed;
- Obtaining management witnesses as appropriate;
- Attending the scheduled IBR Briefing and Hearing;
- Disclosing real or perceived conflicts of interest with selected IBR Board members;
- Maintaining confidentiality regarding the IBR proceedings.

IBR Members

IBR Members are responsible for:

- Attending training;
- Responding to Hearing Coordinator's availability/informational requests on a timely basis;
- Advising the Hearing Coordinator/Hearing Officer of potential conflicts of interest with Grievant or management representatives;
- Reviewing documentation/evidence approved for use in the hearing;
- Attending appeal hearings;
- Making objective decisions/recommendations based on the evidence presented in the hearing;
- Disposing of documentation/evidence properly after the close of appeal hearings;
- Maintaining confidentiality regarding IBR proceedings;
- IBR members are prohibited from seeking out evidence and interviewing individuals. IBR members interaction with parties is limited to the IBR hearing.

7. Related Information

Resource	Link
HRAP Grievance Employee Relations	https://www.usg.edu/hr/assets/hr/hrap_manual/HRAP_Grievance_Employee_Relations.pdf

8. Policy History

Revision Date	Author	Description
TBD	Equal Opportunity, Compliance and Conflict Management	Newly Consolidated Policy