

ASU System Policy

Effective Date: March 5, 2010

Subject: Administrative Grievance

Category: Employee Grievance & Discipline 2.70

1. Purpose

Arkansas State University System will afford due process for the president, chancellors, and employees under written contract but not holding faculty appointment with respect to actions which adversely affect the terms or conditions of their employment.

2. Arkansas State University System Administrative Grievance Policy

ASU faculty members shall grieve utilizing the process in the applicable faculty handbook. At-will ASU System staff employees shall grieve utilizing the process set out in the System Staff Handbook. The president, chancellors, and employees under written contract but not holding faculty appointment shall grieve utilizing the following process.

Commented [EC1]: More details to address separate faculty handbooks for campuses?

3. Process

- A. The president, a chancellor, or an employee under written contract without faculty appointment shall be given ten (10) calendar days written notice of the intent to take an adverse employment action. The notice shall contain the actions proposed and the reasons for such actions.
- B. An employee of a system campus may grieve to the chancellor for that campus any time before the running of the ten (10) calendar days. A meeting will be scheduled in which the employee may present information, both verbal and written, to the chancellor. The chancellor will issue a written decision within five (5) calendar days after the grievance hearing. The decision of the chancellor is final. If the chancellor is the person making the employment decision, the employee may grieve to the president of the ASU System any time before the running of the ten (10) calendar days. A meeting will be scheduled in which the employee may present information, both verbal and written, to the president. The president will issue a written decision within five (5) calendar days after the grievance hearing. The decision of the president is final.

- C. An employee of the system office or an employee reporting directly to the president may grieve to the president of the ASU System any time before the running of the ten (10) calendar days. A meeting will be scheduled in which the employee may present information, both verbal and written, to the president. If the president is the person making the employment decision, the president shall reevaluate the decision after full presentation by the employee. The president will issue a written decision within five (5) calendar days of the grievance hearing. The decision of the president is final.
- D. The president may grieve to the Board of Trustees any time before the running of the ten (10) calendar days. A meeting will be scheduled in which the president may present information, both verbal and written, to the board in executive session. The chair of the board will announce its decision when the board reconvenes in public session. The decision of the board is final.
- E. Non-renewal of a contract carries with it no charge that might seriously damage the employee's standing and association in the community and does not foreclose the employee's freedom to take advantage of other employment opportunities; therefore, non-renewal is not a grieveable issue.
- F. Adverse employment actions may be reversed on administrative grievance only in the event of institutional error. Institutional error occurs when no legitimate reason exists for the action taken. Decisions which require the exercise of judgment or discretion cannot constitute institutional error.

(Adopted by the Arkansas State University Board of Trustees on March 5, 2010, Resolution 10-02)