



TO: A.S.I. Personnel Committee
FROM: Frances Tsai, A.S.I. Chief Justice
CC: Intef W. Weser, A.S.I. Executive Director
SUBJECT: Codes of Procedure recommendations – **Policy 114**
DATE: April 5, 2016

Please note that the Bylaws and Codes of Procedure Subcommittee, chaired by the Chief Justice of the J.R.C, reviews all changes that need to be made to the Bylaws, Codes of Procedures, and Policies. However, in the absence of a Judicial Review Committee, I would like to provide the following recommendations to the changes to Policy 114 for consideration by the Personnel Committee. These changes are a result of both existing practices undertaken by A.S.I, as well as compliance with University changes.

POLICY 114

Upon review of the changes in 5.3 of Policy 114, the Bylaws committee discussed possible situations that may complicate the process by having the A.S.I. President, VP of Student Life, and Dean of Students to assume the role of the Executive Director. The following suggestion was presented and agreed upon: a Human Resource specialist from the Office of Human Resources will assume the role to facilitate the grievance process.

If you have any further questions, please contact me at asicj@calstatela.edu.

Note: Effective Fall 2016, all terminology and timelines related to the Quarter system will reflect that of the Semester system. For additional information about the conversion, please refer to the Q2S conversion website and direct policy-related questions to the A.S.I. Chief Justice.

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ADMINISTRATIVE MANUAL
GRIEVANCE PROCESS **POLICY 114**

- 1.0 PURPOSE
To provide Associated Students, Inc. (A.S.I.) employees (full-time and part-time) with an opportunity to settle problems arising in the course of their employment in a fair and orderly manner if such problems cannot be resolved informally.
- 2.0 REFERENCES:
None
- 3.0 POLICY:
A.S.I. will foster an environment that allows for the free discussion of ideas in a professional manner. When discrepancies arise between employees that cannot be handled through informal means, this policy provides a process to settle work-related problems in a fair and orderly manner.
- 4.0 DEFINITIONS:
None
- 5.0 PROCEDURES:
 - 5.1 An employee may use the grievance process to resolve work related problems as identified below:
 - 5.1.1 Alleged violation of A.S.I. policies and procedures governing working conditions.
 - 5.1.2 Promotion, performance, merit increases, or termination decisions.
 - 5.1.3 Discrimination prohibited by law, including those based upon race, age, color, religion, sex, sexual orientation, national origin, disability or veteran status.
 - 5.2 Informal Resolution
 - 5.2.1 Step One: Employees should first attempt to resolve the problem through informal discussion with the immediate supervisor.
 - 5.2.2 Step Two : If, after discussion, the problem has not been satisfactorily resolved, it may be discussed at the next supervisory level and/or with the Executive Director.
 - 5.3 If there is a grievance filed against the Executive Director, the A.S.I. President, VP of Student Life, and Dean of Students will assume the role of the Executive Director specified in this policy to facilitate the grievance process, the A.S.I. President and the Assistant VP for Student Affairs will manage the following resolution process with the assistance of the CSULA Human Resources Office.

Commented [FT1]: I asked what if there is a conflict of interest? Suggestions proposed by Ejmin: Instead of ASI President, VP of Student Life, and Dean of Students, a Human Resources specialist from the Office will assume the role.



- 5.4 Formal Resolution
If the matter in question cannot be resolved as indicated in Steps 1 and 2, the employee may file a formal grievance. Grievances should be submitted in writing to the Executive Director within 30 working days after the employee is notified regarding the complaint decision.
- 5.5 Upon receipt of the grievance, the Executive Director will submit it to the Personnel Committee to schedule a hearing.
- 5.5.1 Hearing Procedure - The hearing of appeals shall be conducted by the Personnel Committee.
- 5.5.2 Notice of Hearing - The Personnel Committee shall set the matter for hearing and shall give notice, in writing, of the date and place of such hearing. The notice shall be posted one (1) week in advance from the actual date of hearing.
- 5.5.3 Evidence - The hearing shall be formal and be conducted according to technical rules relating to evidence and witnesses. Relevant evidence shall be admitted, if it is of the type of evidence on which responsible persons are accustomed to consider in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be admitted for any purpose but shall not be sufficient to support a finding unless it would be admissible over objection in civil actions. The rules of privilege and/or official or judicial notice shall be effective to the same extent as in civil actions. Irrelevant and repetitious evidence shall be excluded. Oral evidence (testimony) shall be taken only under oath that shall be administered by Personnel Committee.
- 5.5.4 The Personnel Committee shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of the evidence presented.
- 5.5.5 Each party shall be permitted to make an opening statement and a closing argument. The grievated employee shall first present its witnesses and evidence to sustain his/her allegations and A.S.I. shall then present its witnesses and evidence in defense. The employer shall have the burden of proof.
- 5.5.6 Each party will be allowed examination and cross-examination of witnesses.
- 5.5.7 Both A.S.I. and the employee shall be allowed to have legal counsel or other designated representation. Legal expenses incurred by each party shall be paid by each respective party regardless of the outcome of the grievance process.
- 5.5.8 The Personnel Committee may, if requested by A.S.I. or the grievated employee, compel the attendance of employees named and called as witnesses and/or require the production of records or other material evidence.
- 5.5.9 The Personnel Committee may, prior to or during a hearing, grant a continuance for any reason it believes to be important to its reaching fair and proper findings and recommendations.
- 5.5.10 Whether the hearing is held in a public or closed session, the Personnel Committee, after it concludes the hearing, shall deliberate its decision in closed session. No persons other than members of the Personnel Committee and its counsel shall be permitted to participate in the deliberation.



- 5.5.11 The Personnel Committee shall submit its findings and recommendations as soon as possible upon the conclusion of the hearing. If the grievance is an appeal of disciplinary action, the Personnel Committee's findings shall set forth which charges, if any, are sustained and the reasons therefore.
- 5.5.12 The employee has the right to appeal the decision of the Personnel Committee and request a grievance hearing with the A.S.I. Board of Directors. This written request for appeal must be submitted to the Executive Director of A.S.I. within seven (7) working days of notification of the grievance decision.
- 5.5.13 The Board of Directors will hear evidence pertaining to the grievance in an executive session of the next regularly scheduled Board of Directors meeting. Upon review of the evidence, the Board of Directors will render a decision regarding the grievance. The decision of the Board will be final for all purposes and effective as of the date rendered.
 - 5.5.13.1 If the grievance is an appeal of a disciplinary action and the discipline is sustained, it shall be effective from the day the disciplinary action was imposed.
 - 5.5.13.2 If the discipline is not sustained or modified, the employee will be restored to his/her position in accord with the decision, and will be compensated retroactive salary equal to that which the employee would have normally earned.

