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## 4.625 Grievance and Conflict Resolution Process

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Type of Policy <input checked="" type="checkbox"/> <b>University</b> <input type="checkbox"/> <i>Campus</i> <input type="checkbox"/> <i>Department/Unit</i> <input type="checkbox"/> <b>Interim</b>		<b>Grievance and Conflict Resolution Process</b>  <b>Policy 4.625</b>	
<b>Human Resource Policies</b>		Effective date: <b>October 11, 2011</b>	
<b>Policy History:</b>	<b>Approved by:</b>	<b>Resolution #</b>	<b>Date:</b>
Approved	Chancellor	N/A	October 11, 2011
Revised (Non-substantive)	Office of University Counsel	N/A	May 17, 2017
<b>Responsible Office:</b>	<b>Responsible Administrator:</b>	<b>Contact information:</b>	<b>Applies to:</b>
Office of University Human Resources	Director of University Human Resources	937-769-1375	All Non-Faculty Employees except as noted in Section II.

## I. Introduction and Purpose

Antioch University (“AU” or the “University”) recognizes that from time to time employees may experience problems or have conflicts or concerns related to their employment. These procedures are intended to provide a fair internal process for resolving conflicts and employees are encouraged to use them when they believe a decision or action (including termination) is inappropriate, unfair, or in violation of the University's policies or procedures. The purpose of the grievance process is to attempt to resolve disputes internally and as quickly and effectively as possible at the lowest step. The success of these procedures depends upon the willingness of all members of the University community to participate when called upon and to do so truthfully.

## II. Who May Grieve

This procedure is available to all regular part-time and full-time employees except those whose terms and conditions of work are governed by a collective bargaining agreement and faculty, whose grievances are governed by the Faculty Grievance Policy # 5.333. Eligibility for use of the procedure ceases on the effective date of the termination of employment, except that an employee who is involuntarily terminated from employment may initiate a complaint regarding their termination within 30 days of the effective date thereof starting at Step 3.

### **III. What May Be Grieved**

The procedures and resources outlined herein may be used in connection with perceived inequitable or unfair disciplinary suspensions or terminations; violations or misapplication of University policies, procedures, or rules; perceived safety hazards; and other work related conflicts.

### **IV. Matters Excluded from the Grievance Process**

The procedures outlined herein may not be used to file complaints involving:

- A. The Chancellor or matters already ruled upon by the Chancellor.
- B. Allegations of discrimination or harassment on the basis of race, color, religion, sex, age, national origin, sexual orientation, or disability. Such allegations must be processed under the Discrimination Complaint Procedure outlined in policy # 4.619, including, but not limited to:
  - 1. Complaints involving reasonable accommodation requests by employees or applicants; and/or
  - 2. Complaints involving termination as a result of alleged discriminatory practices.
- C. Allegations that a performance evaluation does not accurately reflect performance. Employees may respond to an evaluation and include such responses in their personnel file but the evaluation is not grievable under this policy.

### **V. Grievance Process**

#### **A. Initial Counseling**

The Director of the Office of Human Resources (“HR”) will be available to counsel employees who believe they have a grievable matter or need assistance in resolving a work related conflict or problem. Initial counseling is non-judgmental. The role of HR is to help employees identify the source of the problem and provide information concerning University resources, policies, and related state and federal laws and regulations.

#### **B. Informal Resolution**

- 1. AU will make a good faith effort to achieve informal resolution of a problem brought to its attention through direct consultation with all parties involved. Many complaints and conflicts can be resolved through open discussion between the parties, and employees are encouraged to engage in direct consultation with one another in an effort to achieve conciliation.

2. While employees may desire to resolve a problem informally, the University retains the right to conduct a formal investigation and take appropriate corrective action as it determines necessary.

3. If informal attempts to resolve a complaint or conflict are not successful or are not appropriate given the nature of the problem, employees may commence a formal complaint through the grievance process outlined in section C.

### **C. Formal Grievance Process**

When a conflict cannot be resolved through the informal procedure, employees may elect to utilize the formal grievance process herein below.

#### **1. Step 1**

Within 10 working days of the time that employees know, or should know, of an action or issue in conflict, employees must provide their immediate supervisor with a Step 1 written grievance initiating a formal grievance request. This time limit may be extended by HR in cases where employees have first attempted to resolve the conflict through the informal process outlined above. In such cases, the employees must present their formal written Step 1 grievance within 3 working days following the conclusion of informal resolution procedures.

In the written Step 1 grievance, employees must notify the immediate supervisor of the specific issue in conflict, the rule, regulation, policy, or procedure that is alleged to have been violated; the facts in support of the employee's position; and the remedy requested. Supervisors are responsible for responding to the formal Step 1 grievance request in writing within 5 working days from receipt of the Step 1 request. Supervisors shall include notice to employees of their right to move the grievance forward to Step 2.

#### **2. Step 2**

If the Step 1 response is unsatisfactory to the employee, (s)he may move the grievance forward to Step 2 by submission in writing to the department head/ unit administrator within 5 working days of receipt of the Step 1 response. The Step 2 grievance must state the specific issue in conflict; the rule, regulation, policy, or procedure that is alleged to have been violated; the facts in support of the employee's position; the reasons the Step 1 response is unsatisfactory; and the remedy requested. Copies of the Step 1 correspondence must be included.

Department heads or unit administrators shall consider the facts and circumstances of the conflict and shall, in writing, grant, deny, or propose a modification to the requested remedy within 5 working days following receipt of the employee's written Step 2 grievance. Responses shall include notice of the employee's right to move the grievance forward to Step 3.

### **3. Step 3**

If the Step 2 response is unsatisfactory to the employee, or if the employee is grieving his or her termination, (s)hemay move the grievance forward to Step 3 by submission in writing to HR. The Step 3 grievance must be submitted in writing within 5 working days of receipt of the Step 2 response or within 30 working days of receipt of written notification of termination. The Step 3 grievance must state the specific issue in conflict; the rule, regulation, policy, or procedure that is alleged to have been violated; the facts in support of the employee's position; the reasons why the Step 2 response is unsatisfactory; and the specific remedy requested. Copies of the Step 2 correspondence must be included.

HR will investigate complaints and attempt to resolve the conflict. In cases where HR is named in the conflict, employees will be assigned to another appropriate AU designee. Assuming all reasonable efforts to resolve the conflict have been exhausted, HR shall present a report of findings and recommendations regarding disposition within 5 working days of receipt of the Step 3 grievance to the campus or program Provost unless that Provost is the original decision maker in the conflict and then the matter will be referred to the Vice Chancellor/CFO to serve as the presiding official.

The campus or program Provost or Vice Chancellor/CFO shall consider the facts and circumstances of the conflict and shall, in writing, grant, deny, or propose a modification to the requested remedy within 15 working days following receipt of the recommendation from HR. The decision of the Provost or Vice Chancellor/CFO shall be final with respect to all matters other than termination of employment grievances. Responses shall include notice of any right to move the grievance forward to Step 4.

### **4. Step 4**

In those cases in which there is a right to grieve to Step 4, employees may move the grievance forward to Step 4 by submission in writing to the Vice Chancellor/CFO within 5 working days of receipt of the Step 3 response. In cases where the Vice Chancellor/CFO heard the matter at Step 3 or is the original decision maker in the underlying personnel action which is the subject of the grievance, the Step 4 final grievance step should be referred to the Office of University Counsel. The Step 4 grievance must state the specific issue in conflict; the rule, regulation, policy, or procedure that is alleged to have been violated; the facts in support of the employee's position; the reasons why the Step 3 response is unsatisfactory; and the specific remedy requested. Copies of the Step 3 correspondence must be included.

During this final review, the Vice Chancellor/CFO or the University Counsel will have access to all information pertinent to the case and may meet with any individual possessing information related to the case. Upon conclusion of the review, the Vice Chancellor/CFO or the University Counsel shall present a written determination. The determination rendered shall then be final.

## **VI. Election of Forum**

When employees exercise their rights to file a complaint with a government agency or file a court action, the efforts to resolve the dispute inherently move to the external forum and this University grievance process shall be automatically stayed and the parties will proceed exclusively under the external forum. In the event that employees have already commenced their formal grievance process at the time they file a complaint with any governmental agency including a state or federal court, employees shall notify HR of that fact. If the University chooses to terminate the formal grievance process, HR will notify all parties involved.

## **VII. General Guidelines**

A. Time limits set forth for filing formal grievances and advancing to subsequent steps in the process must be strictly followed by employees. Extensions to time standards contained herein may be adjusted at the discretion of HR due to the unavailability of a necessary party or to allow both parties more time to achieve conciliation. Unless the time limits are extended in writing by HR, a formal grievance is considered settled on the basis of the last answer if employees fail to meet time requirements herein. Employees may withdraw formal grievances at any time in writing, but forfeit rights to reinstate the formal grievance at some later time.

B. In the event that the administration does not respond to a grievance for any reason within the timeframe permitted, the grievance shall be deemed to be denied at that step and the employee shall have those rights of moving the grievance forward to the next step as described above.

C. The normal progression of steps 1 through 4 may be modified by the University where the person making the underlying personnel decision, the department involved, or the content and scope of the conflict makes that progression impractical. In such cases the grievance may be initiated at a higher level as appropriate.

D. Employees shall have the right of assistance by an individual of their choice employed with the University during all portions of the formal grievance process, provided that the chosen person is willing to assist in the process. Employees may not be represented by a lawyer or any outside third party in the formal grievance process.

E. Employees' attendance at a formal grievance meeting, held during normal working hours shall be with pay, including those offering assistance to other AU employees. Any other time spent in formulating or preparing a formal grievance shall be done outside of the regular work schedule and shall be without compensation.

F. Decisions made as a result of the formal grievance process will apply only to the individual(s) who submitted the grievance and will not serve as a precedent for establishing or changing any policy or procedure of the University.

G. To the extent feasible, and as consistent with the investigation and grievance process, all matters handled through the formal grievance process shall be confidential.

H. Retaliation against employees who exercise their rights under this policy or who assist others in the process is prohibited. Employees who retaliate against other employees for exercising their rights will be subject to disciplinary action.

**Policy Cross References**

Discrimination Complaint Procedure Policy	Policy # 4.619
Faculty Grievance Process	Policy # 4.821