



**For inclusion in the
Staff Employment Policies**

Grievance Policy, Basic

Policy Statement:

Situations may occur where an employee believes that the fair and consistent application of a policy affecting him or her has not been followed. In most cases, Centenary expects that the employee will be able to satisfactorily address such concerns within his or her work area or group. However, when a continuing problem has not been resolved within a particular work area or group, the University wishes to provide employees an alternative vehicle for doing so. No employee shall be subjected to discrimination or adverse treatment for participating in a grievance procedure. This policy does not replace the procedures for complaints or grievances as found in the Faculty Constitution which a faculty member must follow if applicable.

Definitions or Regulations:

A “basic grievance” is defined as an unresolved issue concerning the interpretation and/or application of a University policy, practice, or procedures. Basic grievances do not involve claims of: Possible discrimination on the basis of race, color, sex (including sexual harassment or sexual orientation), religion, creed, age, handicap, national origin, or status as a veteran. Employees wishing to pursue claims of such discrimination must contact the Human Resources Office and refer to the Anti-Harassment, Discrimination and Retaliation Policy. Disputes over salary grades or salary/rate of pay, can be found in the Salary Administration Program, Policy and Procedures Manual. Although problems of this nature are generally not covered by the Basic Grievance Policy, an employee with these concerns is encouraged to discuss them with his/her human resources consultant and/or department head. If there is a question as to whether an issue falls within the scope of this policy, the Office of Human Resources will make the determination.

Procedure:

The University’s grievance procedure consists of three steps: (1) Step I–Informal, (2) Step II–Formal, and (3) Step III–Appeal. Each step has its own procedures, as set forth below.

Time Limits: If an employee waits an unreasonable length of time before submitting his or her grievance or proceeding to the next step, the fact-finding process could be difficult and appropriate action inappropriate. As such, employees are strongly encouraged to follow the time set forth below. The Vice President for Human Resources, or his or her designee, may waive the time limits if extenuating circumstances prevent the timely filing of the grievance. The following time limits apply to this procedure:

Step I – Grievance must be filed within 14 days of the event(s) that lead to the grievance.

Step II – The grievance must be filed at Step II within 14 days of the supervisor’s written response at Step I.

Step III – The grievance must be filed at Step III within 14 days of the written decision of the Vice President for Human Resources, his or her designee, at Step II.

Step I – Informal Step (Discuss Complaint with Immediate Supervisor or Human Resources)

In many cases, disputes over the application or interpretation of policy can be resolved through communications within a particular department or work area. As such, the first step in the grievance process is a discussion between the employee and the supervisor or the Office of Human Resources. The employee can initiate this step in one of two ways:

- a) Talk with his or her supervisor. The employee should promptly bring the matter to the attention of the immediate supervisor, explaining the nature of the problem and the relief sought. The supervisor should respond within three business days, if possible. If the supervisor provides an oral response to the employee, the supervisor should prepare a written record of the response.
- b) Talk with the Office of Human Resources. If an employee cannot decide whether or not to initiate a grievance or is reluctant to discuss the matter with the supervisor, he/she may seek the advice of the appropriate Human Resources Consultant for the work area who may seek to resolve the issue by discussions with the supervisor. The Office of Human Resources or the supervisor should provide a written response to the employee at the completion of this process.

If the informal procedure fails to resolve the grievance, and the employee wishes to continue the matter, the employee must begin the steps of the formal procedure no later than 14 calendar days after the receipt of the response from the supervisor or Office of Human Resources, as applicable.

Step II – Formal Step (Prepare and Submit Written Complaint to Human Resources and Participate in Resolution Meeting)

1. If the matter is not resolved at Step I, the employee may proceed to Step II by submitting a written statement to the Vice President for Human Resources. This statement should outline the relevant facts that form the basis of the employee’s grievance, indicating the University policy that has allegedly been violated, and stating the resolution sought. The statement should also identify the supervisor who was involved at Step I.
2. Upon receipt of the employee’s written statement, the Vice President for Human Resources, or his or her designee, will:
 - a) Advise the employee’s department head of the grievance and determine if the Step I procedure was complied with. (If the Step I procedure was not followed, the Vice President for Human Resources or his or her designee will refer the employee back to Step I unless the Vice President for Human Resources determines that such referral is not likely to resolve the matter.)

- b) Schedule a meeting with the employee, the department head, and the employee's supervisor. The meeting should be held promptly (if possible, within 14 calendar days of receipt of the employee's written statement).
- c) Act as chairperson of the meeting, hear both sides of the dispute, render a written decision following the hearing, and provide the parties with copies of the decision.

If the employee wishes, a fellow University employee may accompany him/her to the Step II meeting to provide support. However, this effort at resolution is not to be regarded as an adversarial proceeding and is not subject to the legal procedures of a court of law. The presence of legal counsel at the meeting is not permitted. Note taking is allowed, but tape recording of the meeting is prohibited.

Step III – Appeal (Request a Hearing Before an Appeal Committee)

If the employee is unsatisfied with the response from the Office of Human Resources at Step II, the employee can proceed to Step III by submitting a written request to the Vice President for Human Resources, or his or her designee, for a hearing before an appeal committee. A three-member appeal committee shall hear the grievance and provide a written recommendation to the President or the President's designee. Members of the committee shall be chosen as follows:

1. The department head and the employee shall each choose three people (listed in order of preference) from the appeal panel. An "appeal panel" is defined as a standing list of Centenary employees, chosen by the President, from which appeals committees are chosen to hear grievances under Step III of this policy. The Vice President for Human Resources shall first identify an appeal committee member from the list submitted by the employee, based on the employee's preference and the availability of the person listed. The second member will be identified in the same manner from the list of persons submitted by the department head.
2. The two committee members selected by the parties in the grievance shall select a third member from the appeal panel to chair the committee. If the two committee members cannot agree on a third member, both shall number persons in ascending order of preference and give it to the Vice President for Human Resources. The person receiving the lowest sum from the two lists shall be appointed to the committee as chairperson. Members of the appeal committee shall be impartial and are not "representatives" of the party selecting them. If any committee member, in the opinion of that member or the President, has a bias or an interest in the case and is thus not impartial, a new person from the panel will replace him or her. This person will be selected in accordance with the above procedures.
3. When the appeal committee has been formed, the chairperson will designate a date and place for a hearing of the grievance. The Vice President for Human Resources will assist the chairperson in the administrative arrangements and will be present at the hearing. The function of the committee shall be to determine, based upon the facts, whether or not the University followed its policy in the manner in which an employee was treated. The appeal committee will conduct its hearings under the following guidelines:
 - a) Prior to the hearing, the parties to the dispute (the department head and the employee) shall determine with the assistance of the Vice President for Human Resources, or his or her designee: i. Stipulated facts and documents that shall be

prepared and transmitted to the committee. (If the parties are unable to stipulate to facts, documents, or issues, both parties can present a list to be transmitted to the committee.) ii. The unresolved issue(s) to be brought before the committee.

- b) The committee shall conduct the hearing in any manner it deems fair and equitable. To ensure a fair hearing, the parties will present all relevant facts directly to the committee and will present witnesses who have direct knowledge of the facts and can offer information about the grievance.
 - c) The hearings will be conducted privately. The parties may have any University employee of their choice, who is willing to serve in this capacity, as adviser at the hearing. Such advisers may offer suggestions and comments. However, the appeal hearing is not an adversarial proceeding and is not subject to the procedures of a court of law. The presence of legal counsel at the hearing or any meeting is not permitted. Note taking is allowed, but tape recording of the meeting is prohibited
 - d) The committee shall draft a recommendation based on the stipulated facts and the evidence brought forth at the hearing.
4. The written recommendation of the appeal committee will be reported to the President or the President's designee within 15 working days after the conclusion of the hearing.
 5. The appeal committee's recommendation will be consistent with University policy and will be advisory to the President, or his or her designee, whose decision will be final and not subject to review under any other grievance procedure in force at the University. Copies of the President's decision will be provided to the employee, the department head, and the Vice President for Human Resources.
 6. The University shall not be responsible for expenses associated with the hearing that employee incurs.
 7. Remedies: At each step in the grievance process, the individual representing the University may fashion a remedy that is consistent with his/her authority. If the University determines that as a result of a failure to follow policy the grieving employee had a financial loss, the University may provide compensation to the employee for the loss if he or she signs an appropriate release concluding the matter.
 8. Documentation: There are no specific documents or forms to be used under this policy. As set forth above, there are a number of places where written communication is required. That communication will typically take the form of an email or memorandum.