



Complaint or

Grievance

Resolution

Process

This policy applies to all faculty and staff members.

In our day-to-day work environments, it is not uncommon for employees to encounter situations that may negatively affect their normal work relationships. When these situations occur, it is important to address them in a timely manner.

It is the university's position that employee disputes are often best resolved informally, and directly between employees and, if such is the case, between the employee and the employee's supervisor. However, Life University recognizes that situations may arise where a formal process may be beneficial, and additional perspectives may be needed to suitably review and address a dispute.

Successful resolution of a dispute requires: 1) an open and honest exchange of information, 2) a willingness to see a situation from a different perspective, 3) an appreciation for the challenges and expectations of the jobs of both the employee and the supervisor; and, 4) appropriate flexibility and an understanding of the business needs of the institution.

The goal of the Grievance Process is to exchange and review information in order to determine whether revision or rescission is warranted of disciplinary actions, termination of employment or other application of policy. The grievance process provides opportunities for dispute resolution and the exchange of information between the concerned employee and members of management. The process includes in-person meetings and review of any related documentation to ensure a full understanding of the facts and circumstances and to provide clarification on any issues. As appropriate, written decisions will be provided at the conclusion of the steps for administrative review and panel review.

Complaints alleging violations of policies

- This process is not intended to be part of the complaint review process for allegations of policy violations, or the appropriate venue to challenge existing policies of the university.
- Employees who feel that they have been subjected to adverse treatment that violates university policies (including but not limited to Americans with Disabilities Amended Act; Age Discrimination; Equal Opportunity; Sexual Harassment), should file a complaint with the Human Resources Department, which will subsequently investigate the allegation in accordance with policy and applicable state and federal law.
- Human Resources subsequently will advise both complainant and the responding party that retaliation or the appearance of retaliatory behavior against the complainant either by direct or indirect means is impermissible, and may constitute the basis for a separate complaint and additional disciplinary action.

Grievance -- PROCEDURE

Employees utilizing this process may not be represented by an attorney at any of the internal proceedings nor may a recording device be utilized. Failure to abide by these stipulations may result in dismissal of an employee's grievance. Participants who are disruptive of the process (e.g., using threatening behavior) or refuse to abide by the guidelines established in the policy will forfeit their opportunity to participate in the internal process

Eligibility and Use of the Grievance Process

All employees (except temporary staff) who have completed their initial 90-day probationary period are eligible to use the Grievance Process. It may be used to appeal actions involving disciplinary final warnings, suspensions and, in some situations involving employees with at least one year of service, termination of employment.

Non-Grievable Issues

The process **may not** be used to challenge verbal disciplinary warnings; coaching actions; performance feedback or performance appraisals related concerns; intellectual property determinations; health and safety guidelines; parking violations; or worker's compensation claims.

Grievance review criteria

Consideration for granting a grievance review shall be based upon the following criteria:

1. A procedural error occurred that significantly impacts the decision-making in the action taken.

2. New information or evidence was unavailable during the course of the fact-finding and substantially impacts the outcome.
3. The sanctions given are substantially disproportionate to the severity of the violations, and/or inconsistent with applicable policy.
4. Terminations cannot be appealed by employees who have less than one year of service at the university.

Time Limitations

If the employee fails to meet the time limits established for a response, the matter will be considered suitably resolved and the Grievance Process will be terminated. Failure of a department to meet time limits of the grievance process will move the proceedings to the next step of the process. Time limits may be extended by mutual agreement. It is understood that work-related travel commitments or other significant personal or work-related needs or commitments may justify or necessitate extending deadlines.

Determination of appropriate step for filing a grievance

1. It is the intent of this policy that grievances be resolved at the earliest step of the grievance procedure as possible. Grievances shall commence at Step 1 except as follows:
2. When the grievance involves a termination, the notice of termination is regarded as a final decision of Step 1. If an employee subsequently initiates a grievance, the grievance goes directly to Step 2.
3. The human resources director upon review of a grievance process, may elevate the initial filing of any grievance to Step 2 or 3, as deemed appropriate.
4. Only terminations that meet the eligibility standard of at least one year of service will be considered for a Step 4 appeals hearing.

Grievance Process--Steps

Step 1 – Discussion with Supervisor

Employees are always encouraged to address their concerns directly with their immediate supervisor. The first step in the dispute process is a discussion between the employee and the supervisor. This in-person conversation should include a review of the facts and any relevant policies or documents. As appropriate, the employee and supervisor should bring copies of related documents so they can be reviewed during the meeting.

Employees who intend to utilize this process must do so by notifying their supervisor within seven (7) calendar days of the action that gave rise to the dispute. The conversation between the supervisor and the employee should include the issue being disputed and the desired outcome of the dispute process.

If the discussion does not result in a satisfactory resolution, or there is such animosity that the situation needs to go directly to Step 2, the employee may contact Human Resources regarding continuing the Grievance Process. The employee must provide written notice within seven (7) calendar days of the meeting with the supervisor in which the dispute was not resolved.

The written notice should include a summary of the concern, any related documents and the outcome desired by the employee. When possible, this written notice should be e-mailed to Human Resources, with the documents attached. If an e-mail is not possible, a written notice with attachments may be delivered to the Office of Human Resources. The contents or completeness level of a submission will not be used as a justification for ending the dispute resolution process.

Step 2 – Facilitated Meeting with Human Resources

This step is an opportunity for the employee and supervisor to meet together with the University Ombudsman or another Human Resources professional (whichever is more appropriate, given the circumstances of the specific grievance process), in an effort to fully resolve the dispute. As with every step of the process, an open exchange of information is critical for success. The Ombudsman or Human Resources professional may be able to help both the employee and the manager to express their thoughts, concerns and willingness to find a resolution.

If resolution is not reached during this step, the employee may proceed to the Administrative Review. The employee must notify Human Resources within seven (7) calendar days of the facilitated conversation meeting of their request to proceed to Administrative Review. Human Resources will inform the employee in writing of the next deadline.

Step 3 – Chief Administrator Review

In the Administrative Review step, the employee meets with the chief administrator, or designee, who will review the concerns. Human Resources will notify the appropriate administrator and schedule a meeting at the earliest possible opportunity. The administrator will meet with the employee, review their concerns, and within seven (7) calendar days of the meeting provide the employee and Human Resources with a written decision. For all grievances except those terminations that are eligible for a Step 4 hearing, the administrator's decision shall be considered final, and the employee will have exhausted all steps afforded him/her in the university's grievance process.

Step 4 – Hearing Panel (for appeal of terminations only)

If resolution is not reached during the Administrative Review step, the employee may request a Hearing Panel. The employee must notify Human Resources within seven (7) calendar days of the notification from the Administrative Review if he/she wishes to pursue the option of a peer-review hearing. Only terminations that meet the eligibility standard of at least one year of service will be considered for a Step 4 appeals hearing.

The Chief Administrator will appoint a hearing panel of three individuals drawn from a pool of faculty and staff with appropriate knowledge and training to determine whether termination of the employee was appropriate and warranted. The Chief Administrator shall appoint one member of the panel to act as its Chair. The Chair will select the date, time, and location of the hearing, and will provide notice to all parties. In the event that parties fail to appear as scheduled, the Chair may choose to conduct or reschedule the hearing.

Eligibility—In order to be eligible to serve on the Hearing Panel, individuals must meet the following requirements: Current Faculty members who have been employed by LIFE for a minimum of one (1) academic year and have taught at least one course within the most recent two (2) academic quarters. Current Staff members who have been employed by LIFE for at least one (1) complete year.

It is expected that members of the Hearing Panel shall recuse themselves from a particular hearing if there is the likelihood that their objectivity may be compromised. Parties shall have the right to object to and/or request that any one member of the Hearing Panel recuse themselves from a hearing. This request will be reviewed and a decision made by the Chief Administrator. The request must be submitted to the Chief Administrator at least 72 hours prior to the hearing.

Notice of Hearing—The Chair will provide parties with a notice of hearing. The notice will include the time, date and location of the hearing; the consequences of failure to appear at the hearing; written copies of all supporting documents, and all other pertinent information, including a list of witnesses who will appear; a list of the members of the Hearing; and the procedure for requesting a change in the time and/or date of the hearing.

Hearing Procedure:

1. The Chair shall have all participants execute confidentiality agreements.
2. The Chair shall call the hearing to order and state the date and time.
3. The Chair shall ask for identification of the parties attending the hearing for the record.
4. The Chair shall state the conditions of the hearing, including:
 - The hearing shall be recorded and/or transcribed via court reporter.

- The hearing shall be closed, with participation limited to the respondent(s), the grievant(s), and/or witness(es). Witnesses will remain outside the hearing until asked to provide information.
- Both parties have the right to be present for the entire hearing, except for deliberations or recesses for the panel to discuss procedural issues.
- All statements, testimony and evidence shall be restricted to matters directly relevant to the case, as determined by the Chair. The Chair will not be obligated to follow the rules of evidence as applied in a court of law.
- Any person disrupting, interfering with or failing to abide by the rulings of the Chair may be excused from the hearing.
- Both parties are entitled to have an advisor present. Advisors shall be restricted to consulting with their advisees. Advisors may not address witnesses or members of the Hearing Panel unless invited to do so.
- The level of proof required to determine whether or not a respondent is responsible for the allegations shall be by a preponderance of the evidence, i.e., it is more likely than not that reason for termination occurred.

5. The Chair shall ask the grievant(s) and the respondent(s) at this time if there are any objections to proceeding with the hearing. He/she shall be solely responsible for deciding if such objections are reasonable and/or what measures should be taken to address them.

6. The Chair shall present the complaint and state the charge(s). The Chair shall read any response submitted by the respondent.

7. The grievant shall be given the opportunity to make an opening statement.

8. The respondent shall be given the opportunity to make an opening statement.

9. The parties are not allowed to personally question or cross-examine each other during the hearing. The parties may submit questions to be asked by the Hearing Panel on their behalf. The Hearing Panel will screen the questions submitted by the parties and only ask those it deems appropriate and relevant to the case.

10. The grievant shall be given the opportunity to present evidence and/or call witnesses. The Hearing Panel shall have the first option of questioning the grievant and/or witness(es), followed by the respondent.

11. The respondent shall be given the opportunity to present evidence and/or call witnesses. The Hearing Panel shall have the first option of questioning the grievant and/or witness(es), followed by the responding entity.

12. The grievant shall be given the opportunity to make a closing statement.

13. The respondent shall be given the opportunity to make a closing statement.

14. The Chair shall conclude the hearing.

15. The Hearing Panel shall enter closed deliberations. All findings of fact and any determination(s) of violation(s) shall be decided by a majority vote, based on a preponderance of the evidence.

16. The Hearing Panel shall determine if the termination is warranted and should be upheld, or whether the decision to terminate should be reversed. In a hearing, determination of responsibility is decided by a majority vote.

Notice of Hearing Panel Decision--The grievant and the respondent will be notified by the Hearing Chair in writing within three (3) calendar days of the hearing panel's decision and to advise the grievant that the decision is considered final, and will not again be addressed via the university's Grievance Process.