

FORMAL GRIEVANCE PROCESS

The formal grievance process described in this policy is an internal process, intended to encourage informal dispute resolution and, when necessary, allow for structured, but non-adversarial resolution of disagreements. Accordingly, staff who utilize the grievance process are free to consult with legal counsel at their own expense, but attorneys and other representatives are not permitted to attend or participate in the grievance processes. Each grievance shall be handled promptly and impartially, without any acts of coercion, discrimination, or retaliation. Each participant in a grievance shall do his or her part to protect this right.

ASMSA policy prohibits any form of retaliation or harassment against persons who initiates or participates in the grievance procedure. While such retaliation is prohibited, the filing of a grievance shall not prevent an employment action taken for bona-fide, non-retaliatory reasons that are independent of the filing of the grievance. Employees who have initiated a grievance are responsible for performing their job duties and complying with all school policies, and the filing of a grievance does not preclude these obligations.

Complaints of discrimination and other employee issues are taken seriously and will be dealt with promptly. Complaints shall be judged on the facts of the case and the context in which the alleged incident(s) occurred. The Complainant has the responsibility of proving the alleged actions/discrimination. The specific action taken in any case depends on the nature and gravity of the conduct reported and may include intervention, mediation, investigation, and the initiation of disciplinary action as described above. Where discrimination is found to have occurred, ASMSA will act to stop the conduct immediately, make every effort to prevent its recurrence, and discipline those responsible.

The Complainant, Respondent(s), and supervisors in the chain of command shall receive copies of all documentation, regardless of form, during all steps of the grievance procedure.

While supporting information or clarification may be requested or presented in subsequent steps of the grievance process, the Complainant is responsible for identifying all issues and allegations relevant to the grievance in the written formal grievance. Allegations not included in the written grievance will be considered in the grievance process only at the discretion of the Grievance Officer. Any additional allegations or requested remedies, raised by a Complainant, may be addressed through a separate grievance process, or may be included in the initial grievance at the discretion of the Grievance Officer. At the discretion of the Grievance Officer, multiple grievances filed by one or more Complainant may be combined into a single grievance process, if such an action promotes a more meaningful and efficient review of the matter.

All parties (including the complainant, respondent, witnesses, and school officials involved) shall keep all matters discussed in the grievance process in strict confidence. Only those individuals who have a legitimate need to know will have access to the

information.

Unless excluded below, a grievance is defined to include the following:

1. an alleged misinterpretation, misapplication, or violation of a specific provision of ASMSA policy that materially affects the Complainant's terms and conditions of employment; and/or,
2. bullying: includes, but not limited to, repeated and ongoing acts of intimidation, humiliation, or ridicule either written, verbal, electronic, or physical, against the Complainant that materially interferes with the work environment; and/or
3. terminations which are deemed to be "terminations-for-cause."

Excluded from the grievance process are:

1. issues related to wages, salary, or benefits matters involving reappointment, performance evaluation, reassignment of duties, or demotions or promotions, which do not concern a claimed failure by the school to follow established policy.
2. alternative work arrangements or scheduling.
3. classification of positions.
4. separation of employment (whether voluntary or involuntary) except "terminations-for-cause."
5. retrenchment of employees pursuant to Board Policy 405.5.
6. falsification of application materials; and/or
7. personality disputes.

To initiate a formal grievance, the Complainant must submit a Employee Grievance/Complaint form (located on the Human Resources webpage) along with a signed, written statement of grievance to the Grievance Officer (currently the Director of Human Resources and Campus Culture) within thirty (30) calendar days of the date of termination with cause or ten (10) business days after the unsuccessful informal resolution. The written grievance must include a clear statement of the issue being grieved and the facts giving rise to grievance; a report on the effects to resolve the matter informally (for issues not involving termination for cause), such facts as may be needed in arriving at a prompt and effective resolution, and the desired outcome of the grievance. To enable the grievance process to move forward efficiently, the Grievance Officer shall have the discretion to request that the Complainant clarify the issue or facts supporting the grievance, and the Complainant shall cooperate with such requests in good faith. The Grievance Officer shall have the right to reject grievance statements, in whole or in part, which fail to include the information required above, that are excessive in length, contain irrelevant or unrelated information, or material that is beyond the scope of the issue(s) being grieved.

Any additional allegations or requested remedies, raised by a Complainant, may be addressed through a separate grievance process, or may be included in the initial grievance at the discretion of the Grievance Officer. At the discretion of the Grievance Officer, multiple grievances filed by one or more Complainant may be combined into a

single grievance process, if such an action promotes a more meaningful and efficient review of the matter.

Within five (5) business days of receipt of the grievance statement, the Grievance Officer shall transmit a copy of the grievance to the Respondent and notify the immediate supervisor of both parties.

The Respondent shall, to the best of his or her ability, review and respond to the Grievance Officer, in writing, within five (5) business days of receipt of the grievance statement. If applicable, the written response shall include the Respondent's proposal for resolution of the grievance, which are within his or her control, and the reason for the course of action proposed. If the Respondent does not believe a course of action should be taken, the Respondent should address the reason for the determination, including any supporting documentation.

Within five (5) business days of the receipt of the grievance response, the Grievance Officer shall transmit a copy to the Complainant.

The Grievance Officer will review and investigate the complaint, proposed resolutions, supporting evidence submitted by all parties, and witness statements (if appropriate). Findings of the investigation will be shared with the supervisor for both parties within five (5) business days. The supervisor, with the assistance of Human Resources, will determine resolutions or actions to be taken, in accordance with school policies and inform the Complainant (and Respondent if necessary).

If the Complainant is not satisfied with the resolution provided, he/she should submit to Human Resources a request (within five (5) business days following the findings), in writing, for further review by the Director.

The Director will review the grievance details and findings, and with the assistance of Human Resources, render a decision, or refer the grievance to an ad hoc committee for recommendation. The decision of the Director is final and not subject to further review.

*For complaints involving the ASMSA director, Human Resources will work directly with a UA System President or designee.

The Complainant, Respondent(s), and Supervisors may receive copies of all documentation, regardless of form, during all steps of the grievance procedure.

The amount of time for filing and decision making under this policy is intended to provide for a prompt, yet thorough, review and resolution of grievances. However, should the Grievance Officer determine that special circumstances or the nature of the grievance are such that additional time will allow for a more meaningful, well-supported resolution of the matter, then the Grievance Officer may grant an extension. In the event the Grievance Officer grants an extension, notice of the extension will be in writing and delivered to all parties with a need to know. If circumstances warrant, the Grievance

Officer is authorized to grant additional extensions to the extent necessary to permit appropriate consideration of the matter or to minimize any significant disruption to the school's mission.

If the Complainant does not submit a written request to move the grievance forward within the specified time period, or otherwise fails to provide prompt cooperation with the grievance process and is not granted an extension prior to the passing of a deadline, the grievance will be closed based upon the Complainant's failure to move the process forward.

If the Respondent fails to deliver a written response or decision within the specified time period and is not granted an extension of time prior to the passing of that deadline, the grievance will automatically advance to the next level of review.

The Grievance Officer shall record and maintain the timeline associated with each grievance.

A Complainant may terminate his/her grievance under this policy at any time by delivering to the Grievance Officer a written notification requesting such. Additionally, a grievance will be automatically withdrawn if the Complainant's employment with the school ends at any time during the grievance process, except in instances where a former employee is grieving a termination for cause. Withdrawal of a grievance waives further consideration of the matters contained in the grievance.