

P&S DISPUTE RESOLUTION GUIDANCE AND PROCEDURES

Contents

Introduction

Informal Resolution

Formal Resolution (Grievance/Appeal)

Disputes Excluded from Formal Grievances

Disputes Excluded Under the Dispute Resolution Policy

Formal Grievance: Guidance

Formal Grievance: Procedures

Grievance Procedures I: Employment and Working Conditions

Appeal: Step 1

Appeal: Step 2

Appeal: Step 3

Further Appeal

Grievance Procedure II: Loss of Compensation/Loss of Job

Appeal

Further Appeal

Resources

Introduction

The **P&S Dispute Resolution Policy** identifies two options for resolution of disputes or disagreements in the workplace: informal resolution and formal resolution. The procedures and applicable steps are described below.

Informal Resolution

The informal resolution process necessitates that the parties to the dispute engage in discussion about the dispute; the discussion may (or may not) be facilitated by a third-party. The goal is to reach an outcome that is mutually acceptable to all concerned. The employee that is bringing forth the dispute shall be prepared to clearly identify the dispute, the related policy(s) in question, and a desired resolution.

An employee who wishes to attempt an informal resolution may utilize any of the following resources to seek additional information and assistance, or referral:

- Supervisor/administrator in the chain of command
- Ombuds Office
- Professional and Scientific (P&S) Peer Advocacy Committee
- Employee and Labor Relations Office, University Human Resources (UHR)

Although the informal resolution option is encouraged, it is not mandatory. An employee may proceed directly to formal resolution if that option is available based upon the circumstances (see P&S Dispute Resolution Policy).

Formal Resolution (Grievance/Appeal)

Formal resolution of a dispute involves the filing of a written grievance whereby the employee filing the grievance (the “grievant”) clearly identifies the dispute, the related policy(s) in question, and a desired resolution, and the other party (i.e., supervisor), the “respondent,” has an opportunity to respond to the concern in writing. If the grievant is not satisfied with the response, s/he may pursue various levels of appeal until the decision is considered satisfactory or until the appeal options are exhausted.

A P&S employee may file a formal grievance under the P&S Dispute Resolution Policy if:

- Discipline has been imposed
- A policy or procedure has allegedly been violated; or
- A supervisor’s actions or statements have resulted or may result in severe professional harm (i.e., statements proven false that damage an employee’s reputation or ability to carry out responsibilities).

A P&S employee may not use the formal dispute resolution option if:

- Another policy applies (see “Disputes Excluded Under this Policy”), or
- By policy or the employee’s employment documentation (e.g., a contract), the employee is designated as “at-will.”

There are two categories of formal grievances and separate procedures for each (see Grievance Procedures I and II, below):

- **Employment and Working Conditions:** These types of grievances relate to the application of policies or procedures found in the university’s Policy Library (Personnel and Human Relations section). The grievance must be filed within thirty (30) calendar days of the employee becoming aware of the adverse action.
- **Loss of Compensation/Loss of Job:** These grievances relate to discharge, demotion, request for repayment, suspension without pay, etc. The grievance must be filed within ten (10) working days of receipt of notice of unpaid suspension, demotion, or discharge. These grievances are expedited through the process due to the significant consequence to the employee.

Disputes Excluded from Formal Grievances

Certain types of workplace disputes are excluded from the formal resolution option and shall be addressed informally through department or other resources, as indicated:

- Annual salary increases – employee’s supervisor
- Disputes outside the employee’s chain of command – supervisor with authority over the person creating the concern
- Disputes among peers or co-workers in the same unit – unit supervisor
- Disputes about adoption or implementation of new university policy or rules – Ombuds Office
- Other disputes outside the scope of policy or procedures found in the Policy Library – unit supervisor

Disputes Excluded Under the Dispute Resolution Policy

Certain types of disputes are to be addressed through separate, existing policies (see policy links in Resources below):

- Discrimination or harassment complaints based on protected group membership or status (see policy: Discrimination and Harassment)
 - Complaints about sexual misconduct involving a student (see policy: Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving Students)
 - Reclassification appeals (see policy: Reclassification-P&S)
 - Summary Dismissal appeals (see policy: Summary Dismissal-P&S)
 - Concerns about Research Misconduct (see policy: Research Misconduct)
 - Concerns about dismissal related to workforce reorganization (see policy: Workforce Reorganization – P&S)
-

Formal Grievance: Guidance

The following list applies to both categories of formal grievance (Employment and Working Conditions, and Loss of Compensation/Loss of Job):

- The grievant may not adjust or change the grievance (e.g., dispute, remedy) once the grievance form has been submitted.
- Unless and until an alleged adverse decision is modified during the grievance and appeal process, the original decision stands, and all parties must abide by it.
- If the grievant misses a deadline that is noted in these procedures, then the grievance or appeal will be treated as withdrawn and the prior decision will stand.
- While a filing deadline exception may be granted, those exceptions are primarily reserved for situations where informal efforts to resolve the dispute are taking place. For that reason, an employee who seeks to extend the filing date of the grievance must be engaged in one of the informal resolution processes (see Informal Resolution). Moreover, through that informal resolution process, the employee must be attempting to work through the dispute with the supervisor or chain of command. The employee shall request an extension of the deadline by contacting the Vice President for University Human Resources (VP-UHR) who has the authority to grant or deny the request.
- In cases where there are repeated concerns emanating from the same unit, in order to more quickly address employee concerns and conserve university resources, the VP-UHR [in consultation with the respective Senior Vice President or the President (or his/her designee)] has the authority to alter (pause or expedite) the formal grievance process.
- At every level of appeal, a copy of the decision maker's response to the grievant must also be sent to UHR.
- The organizational structure of the grievant's unit may impact the number or sequence of steps that are applicable to the grievance process. For example, if the supervisor is the chair, director, or dean then the grievance process may skip to the next applicable step.
- Timelines for the holding of meetings/the hearing and the submission of responses can be adjusted only by mutual agreement of the grievant and the person responsible for considering the grievance (e.g., when the person responsible for considering the grievance is absent from the office, or when the grievant is unable to meet within the established period of time).
- Throughout the appeal process, the decision maker may ask for any written materials to be submitted in advance of the meetings/hearing.

- The grievant may make an oral presentation and attend review meetings/the hearing during normal working hours without loss of time or pay.
 - A grievant or respondent may choose to have a support person attend and observe in review meetings/the hearing. If the support person is an ISU P&S employee, s/he will be allowed a reasonable amount of time off from work to attend meetings/the hearing. Other ISU employees who act as support persons will be allowed time off from work to attend meetings/the hearing in keeping with the rules, regulations, policies, and/or procedures governing those employees. The support person is present for support and to observe only and will not speak for the parties, or otherwise present the case on the grievant's behalf, unless approved by the P&S Appeal Committee in advance.
-

Formal Grievance: Procedures

Grievance Procedures I: Employment and Working Conditions

The grievance must be filed within thirty (30) calendar days of the employee becoming aware of the adverse action. To file the grievance, the employee must complete an "Employment/Working Conditions Grievance" form and submit it to the grievant's supervisor. The supervisor may choose to meet with the grievant to discuss the grievance upon receipt of the grievance form.

Within ten (10) working days of receiving the grievance form, the grievant's supervisor shall provide a written response.

If the supervisor's written response does not resolve the dispute or if no response is received by the deadline, the grievant may file an appeal as described below.

Appeal: Step 1

To appeal the grievance to the next level, the grievant must file an appeal within ten (10) working days of: a) receiving the written response, or b) the deadline for the response, if no response was received. The grievant shall submit the following documents to the Department Chair/Director (or equivalent level of supervision):

- a copy of the "Employment/Working Conditions Grievance" form with signature, choosing "Appeal: Step 1"
- a copy of the supervisor's response to the grievance

Within ten (10) working days of receiving the appeal, the Department Chair/Director (or equivalent level of supervision) shall schedule a meeting to discuss the appeal with the grievant and the grievant's supervisor. The Department Chair/Director (or equivalent level of supervision) has the discretion to meet with the grievant and supervisor individually or together, as deemed appropriate.

Within ten (10) working days of the meeting(s), the Department Chair/Director (or equivalent level of supervision) shall provide a written response to the appeal.

If the response of the Department Chair/Director (or equivalent level of supervision) does not resolve the dispute or if no response is received by the deadline, the grievant may continue to appeal as described below.

Appeal: Step 2

To continue the appeal to the next level, the grievant must file an appeal within ten (10) working days of: a) receiving the written response, or b) the deadline for the response, if no response was received. The grievant shall submit the following documents to the principal administrative head (Dean/VP/AVP) of the unit:

- a copy of the "Employment/Working Conditions Grievance" form with signature, choosing "Appeal: Step 2"
- a copy of the supervisor's response and the Appeal: Step 1 response

Within ten (10) working days of receiving the appeal, the principal administrative head shall schedule a meeting to discuss the appeal with the grievant. The administrative head has the discretion to meet with the supervisor or others as necessary, either with the grievant or separately as deemed appropriate.

Within ten (10) working days of the meeting, the principal administrative head shall provide the grievant with a written response to the Step 2 appeal.

If the principal administrative head's written response does not resolve the dispute or if no response is received by the deadline, the grievant may continue to appeal, as described below.

Appeal: Step 3

To continue the appeal to the next level, the grievant must file an appeal within ten (10) working days of: a) receiving the written response, or b) the deadline for the response, if no response was received. The grievant shall submit the following documents to the respective Senior Vice President or the President (or his/her designee):

- a copy of the "Employment/Working Conditions Grievance" form with signature, choosing "Appeal: Step 3"
- a copy of the supervisor's response and Appeal Step 1 and 2 responses

Upon receiving the appeal, the respective Senior Vice President or the President (or his/her designee) shall notify the VP-UHR who shall contact the President of the P&S Council to identify the proposed members of the P&S Appeal Committee. The President of P&S Council will supply five (5) names and the VP-UHR will select three (3) from the list to serve on the committee. One member of the committee must have current supervisory responsibility as a part of his or her current position and be employed at a pay grade of 35 or above. Both of the parties involved in a grievance have the right to challenge the appointment of the proposed members of the P&S Appeal Committee. If the grievant and/or supervisor wish to make such a challenge, they must submit the challenge in writing (including the reason for the challenge) to the VP-UHR within two (2) working days after the naming of the members.

Within ten (10) working days of being convened, the P&S Appeal Committee shall schedule a meeting with the grievant, and after that meeting it will then continue to review the grievance as deemed appropriate. The P&S Appeal Committee has the discretion to interview other individuals in order to obtain the facts necessary to reach a decision about the grievance.

Within ten (10) working days after concluding all of its meetings, the P&S Appeal Committee shall provide a written recommendation to the respective Senior Vice President or the President (or his/her designee) regarding the merits of the grievance and desired remedy.

The respective Senior Vice President or the President (or his/her designee) shall render a final decision within ten (10) working days of receipt of the P&S Appeal Committee's recommendation. The written decision (along with an explanation of the decision) will be sent to the parties with a copy to UHR.

Further Appeal

The grievant may choose to appeal to the Board of Regents under Board of Regents Policy Manual (Chapter 10).

Grievance Procedure II: Loss of Compensation/Loss of Job

The grievance must be filed within ten (10) working days of receipt of notice of unpaid suspension, demotion, or discharge. To file the grievance, the employee shall submit the Loss of Compensation/Loss of Job Grievance form to the principal administrative head (dean, director, vice president, etc.).

The effective date of the suspension, demotion, or discharge shall be the date the department, with approval from the principal administrative head, set forth in the notice of suspension, demotion, or discharge – it will not be affected by the appeal. The action will stand unless or until such action is found to be unwarranted.

The principal administrative head shall meet with the relevant parties, including the grievant and the person alleged to have taken the action, to discuss the grievance. The principal administrative head has the discretion to meet with each individually, or to schedule a joint meeting, as deemed appropriate.

Within ten (10) working days after the meeting(s), the principal administrative head (or equivalent level of supervision) shall provide the grievant a written response.

If the response of the principal administrative head (or equivalent level of supervision) does not resolve the dispute or if no response is received by the deadline, the grievant may file an appeal as described below.

Appeal

To appeal the grievance to the next level, the grievant shall file an appeal within ten (10) working days of: a) receiving the written response, or b) the deadline for the response, if no response was received. The grievant shall submit the following documents to the respective Senior Vice President or the President (or his/her designee):

- a copy of the “Loss of Compensation/Loss of Job Grievance” form, choosing “Appeal”
- a copy of the principal administrative head (or equivalent level of supervision) response

As an alternative to the P&S Appeal Committee, the grievant may opt to have the appeal heard by an Administrative Law Judge, as described in Iowa Code Chapter 17A.

- If the grievant elects to have the appeal heard by an Administrative Law Judge, the Administrative Law Judge shall hold a hearing and submit written findings of fact and recommendations to the respective Senior Vice President or the President (or his/her designee).
- The grievance form submitted to the respective Senior Vice President or the President must identify which method of review is elected; if no election is made, the P&S Appeal Committee will be used.

Upon receipt of an appeal, the respective Senior Vice President or the President (or his/her designee) will contact the VP-UHR. If the P&S Appeal Committee option is chosen by the grievant, the VP-UHR will contact the President of P&S Council to identify the proposed members of the P&S Appeal Committee. The President of P&S Council will supply five (5) names and the VP-UHR will select three (3) from the list to serve on the committee. One member of the committee must have current supervisory responsibility as a part of his or her current position and be employed at a pay grade of 35 or above.

Both of the parties involved in a grievance have the right to challenge the appointment of the proposed members of the P&S Appeal Committee. If the grievant and/or supervisor wish to make such a challenge, they must submit the challenge in writing (including the reason for the challenge) to the VP-UHR within two (2) working days after the naming of the members.

Within ten (10) working days of being convened, the P&S Appeal Committee shall schedule a hearing to gather information concerning the appeal. The grievant may be present as well as the respondent(s). The parties and the P&S Appeal Committee may identify other persons who might help the P&S Appeal Committee in arriving at a decision. The hearing will be recorded.

Within ten (10) working days after concluding the hearing, the P&S Appeal Committee shall provide a written recommendation to the respective Senior Vice President or the President (or his/her designee) with a copy to the VP-UHR regarding the merits of the grievance and desired remedy.

The respective Senior Vice President or the President (or his/her designee) shall render a decision within ten (10) working days of receipt of the P&S Appeal Committee or Administrative Law Judge recommendation. The written decision (along with an explanation of the decision) will be sent to the parties with a copy to UHR.

Further Appeal

The grievant may choose to appeal to the Board of Regents under Board of Regents Policy Manual (Chapter 10).

Resources

- [P&S Dispute Resolution Policy](#)
- [Form: Grievance - Employment/Working Conditions](#)
- [Form: Grievance - Loss of Compensation/Loss of Job](#)
- [Board of Regents Policy Manual](#)
- [University Human Resources](#)
- [Ombuds Office](#)
- [P&S Peer Advocacy Committee](#)
- [Policy Library](#)