

P&S DISPUTE RESOLUTION PROCEDURES

Introduction

The P&S Dispute Resolution Policy identifies the informal and formal procedures that P&S employees may use to resolve disputes or disagreements in the workplace. The procedures and the applicable steps are explained below.

Informal Dispute Resolution

Every dispute is unique, as are the individuals involved in the dispute. Some employees may prefer to obtain confidential advice from a neutral party, while others may wish to gain the perspective of an experienced peer. The University offers the following resources for individuals who wish to attempt an informal resolution of their dispute.

- Supervisor or administrator in applicable chain of command
- Ombuds Office
- Professional and Scientific Peer Advisory Committee
- Employee and Labor Relations Office

It is important to keep in mind that these resources are all optional. Employees are encouraged but not required to utilize any of these resources if they, instead, prefer to move immediately to the formal option of filing a grievance.

Formal Dispute Resolution (Grievance)

The formal procedures apply to all P&S employees except those employees whose Letter of Intent states they are exempt from P&S policies or who are otherwise at-will, and those employees with contracts that may include limited grievance and appeal processes.

The University offers formal options for resolution of certain types of disputes that allows for a multi-level review of the employee's concerns. The process starts when the employee submits a written grievance identifying the issue and parties involved and requesting a resolution (as well as some other pertinent information indicated on the appropriate grievance form, see *Form: Grievance - Employment/Working Conditions* or *Form: Grievance - Loss of Job/Loss of Compensation*). The person against whom the grievance is filed is given an opportunity to submit a written response. If further appeals are made from the initial grievance, successive levels of review will consider the parties' respective written and evidentiary presentations, resulting in a written decision— all within defined timeframes.

The formal grievance procedure may be used for disputes that involve the following issues:

- **Employment and working conditions** (e.g., denial of training opportunities, disagreements regarding performance or supervision, unfair treatment that does not fall under the Discrimination and Harassment Policy, etc.)
- **Loss of compensation or loss of job** (e.g., discharge, demotion, request for repayment, etc.)

There are separate procedures for each type of formal grievance listed above. Due to the significant consequence arising from loss of compensation/loss of job, a separate procedure exists to allow for an expedited yet thorough decision.

Under the P&S Dispute Resolution Policy, some disputes are not suited for the formal grievance procedure. In some situations, a separate policy addresses the specific dispute or concern, while other situations are best handled through the supervisor or applicable chain of command. In addition, the formal grievance procedure requires a considerable investment of time and energy for not only the parties involved, but also the P&S Appeal Committee members and decisions-makers at various levels of the process. As a result, the following types of disputes are excluded from this process:

Disputes Addressed Through Other Policies:

- Complaints about discrimination or harassment based on protected group membership or status (See Policy: Discrimination and Harassment)
- Reclassification appeals (See Policy: Reclassification-P&S)
- Summary Dismissal appeals (see Policy: Dismissal, Summary-P&S)
- Academic Misconduct (See Policy: Academic Misconduct)

Disputes to be Addressed Informally Through Department or Other Resource:

- Disputes outside the employee's chain of command (e.g., go to the supervisor with authority over the person creating the concern)
- Disputes among peers or co-workers in the same unit (e.g., go to the unit supervisor)
- Disputes about adoption or implementation of University policy or rules (e.g., go to Ombuds Office)
- Annual salary increases (e.g., go to supervisor)

Formal Grievance Information and Procedures

Information Regarding Grievances

For either type of formal grievance, it is important to note:

- The applicable grievance form for loss of job must be submitted within ten (10) working days of the receipt of notice of unpaid suspension, demotion, or discharge.
- The applicable grievance form for employment and working conditions must be submitted within thirty (30) calendar days of the employee becoming aware of the adverse action.
- While exceptions 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 Dispute 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 should contact Employee and Labor Relations to inquire about extensions of the deadline.
- 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. The prior decision will stand.
- If a decision maker does not respond to a grievance or appeal deadline, the grievant may choose to move the grievance or appeal to the next step in the process.
- At every level of appeal, a copy of the decision maker's response to the grievant must also be sent to Human Resource Services.
- Timelines for the holding of meetings and the submission of responses can be adjusted only by mutual agreement of the grievant and the person responsible for considering the grievance, 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.
- The grievant may make an oral presentation and attend complaint review meetings during normal working hours without loss of time or pay.
- A grievant may choose to have a support person attend and advise in review meetings. If the support person is an ISU P&S employee, he/she will be allowed a reasonable amount of time off from work to attend the meetings. Other ISU employees who act as support persons will be allowed time off from work to attend meetings in keeping with the rules, regulations, policies, and/or procedures governing those employees. The support person is present for support and advice only and will not speak for the parties, or otherwise present the case on the grievant's behalf.
- The grievant cannot adjust or change the grievance (i.e., dispute, remedy) once the grievance form has been submitted.
- Throughout the appeal process, the decision maker may ask for any written materials to be submitted in advance of the meetings.
- 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 the grievance process may skip to the next applicable step.

Grievance Procedure for Employment and Working Conditions

Grievance:

Within thirty (30) calendar days of the employee becoming aware of the adverse action, 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.

Within ten (10) working days of receiving the Employment/Working Conditions 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 receiving the written response or of the deadline if no response was received. To file an appeal, the grievant must submit the following documents to the Department Chair (or equivalent level of supervision):

- a copy of the “Employment/Working Conditions Grievance” Form with signature indicating moving to 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 (or equivalent level of supervision) shall schedule a meeting to discuss the appeal with the grievant and the grievant’s supervisor. The Department Chair (or equivalent level of supervision) has the discretion to meet with the grievant and supervisor individually or together as needed.

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

If the Department Chair’s (or equivalent level of supervision) 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 2

To continue the appeal to the next level, the grievant must file an appeal within ten (10) working days of receiving the written response or of the deadline if no response was received. To file an appeal, submit the following documents to the principal administrative head of the unit (as designated by the appropriate Vice President or by the Executive Vice President and Provost (EVPP)):

- a copy of the “Employment/Working Conditions Grievance” Form with signature indicating moving to Appeal: Step 2 in the appeal process
- 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. This individual also has the discretion to meet with the supervisor or others as needed, either with the grievant or separately as needed.

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 request that a P&S Appeal Committee consider an 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 receiving the written response or of the deadline if no response was received. To file an appeal, the grievant shall submit the following documents to the Executive Vice President and Provost (EVPP):

- a copy of the “Employment/Working Conditions Grievance” form with signature indicating moving to Appeal: Step 3
- A copy of the supervisor’s response and Appeal Step 1 and 2 responses

Upon receiving the appeal, the EVPP will identify the proposed members of the P&S Appeal Committee by contacting the President of P&S Council. The President of P&S Council will supply five (5) names and the EVPP will select three (3) from the list to serve on the committee. 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 EVPP 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 under the circumstances. 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 EVPP regarding the merits of the grievance and desired remedy.

Within ten (10) working days of receiving the P&S Appeal Committee’s recommendation, the EVPP shall issue a final decision to the parties, along with a written explanation of the decision.

Further Appeal

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

Grievance Procedure for Loss of Compensation or Loss of Job

Grievance:

Within ten (10) working days of receipt of notice of unpaid suspension, demotion, or discharge, the grievant may file a written grievance to the principal administrative head (dean, director) as designated by the appropriate Vice President or Executive Vice President and Provost (EVPP) by completing the Loss of Compensation/Loss of Job Grievance form.

The effective date of the suspension, demotion, or discharge shall be the date the department, with approval from the department 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 meeting may be a joint meeting or not, depending on the best judgment of the principal administrative head.

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

If the principal administrative head (or equivalent level of supervision) 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:

To appeal the grievance to the next level, the grievant shall file an appeal within ten (10) working days of receiving the written response or of the deadline if no response was received. To file an appeal, the grievant shall submit the following documents to the Executive Vice President and Provost (EVPP):

- A copy of the "Loss of Compensation/Loss of Job Grievance" form indicating moving to 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 EVPP.
- The grievance form submitted to the EVPP must identify which method of review is elected; if no election is made, the P&S Appeal Committee will be used.

If the P&S Appeal Committee option is chosen, the EVPP 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 EVPP will select three (3) from the list to serve on the committee. 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 EVPP 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 person or persons against whom the appeal is made. In addition, either the parties or the P&S Appeal Committee may identify and hear from any other person 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 EVPP regarding the merits of the grievance and desired remedy.

The EVPP shall render a decision within ten (10) working days of receipt of the P&S Appeal Committee or Administrative Law Judge recommendation. The EVPP's decision will be sent to the grievant with a copy to Human Resource Services.

Further Appeals

The decision of the EVPP may be appealed to the President. The President has discretionary authority to hear the appeal or deny the request for appeal. When the President decides to review the decision of the EVPP, the President's decision becomes the final decision of the University. Further appeals may be made to the Iowa Board of Regents under the Regents Policy Manual Chapter 10.

Resources

[P&S Dispute Resolution](#)

Policy

Form: Grievance - Employment/Working Conditions

Form: Grievance - Loss of Compensation/Job

[Board of Regents Policy Manual](#)

[Employee/Labor Relations Office](#)

[Human Resource Services](#)

[Ombuds Office](#)

[P&S Peer Advisory Committee](#)

[Policy Library](#)