330.3 Grievance Policy & Procedure

Goshen College Grievance Policy and Procedure

The grievance procedure at Goshen College is a process by which complaints about the application of or failure to follow a policy or procedure by Goshen College staff, faculty, and students can be resolved. To implement this goal, the American Council on Education definition of grievances is adopted: “Grievable issues are those in which there is the possibility of an error in the institutional policies (or lack of them), in its prescribed procedures for carrying out the policies, in the administration of those procedures, or in varying combinations of these.”

There are two principal functions for the grievance procedure. The first determines whether institutional error has occurred. The second, if an error has occurred, determines what constitutes an appropriate redress for the person filing the grievance (grievant).

It is the desire of the institution that complaints shall be adjusted as quickly as possible. At Goshen College this is potentially a two-step procedure. The grievance process may not be used unless the grievant has processed his/her complaint through the appropriate procedure prescribed by various college documents, such as the employee problem solving process, student academic grievance policy, sexual misconduct procedure, and racial harassment procedure. There must be evidence that the applicable process or policy was not followed or correctly applied for the action to be reviewed through the grievance process.

Step One

The grievant shall put in writing a statement of the alleged violation of the policy/procedure. This should include information about the events leading to the application of the policy in question, including steps used in the process, and the grievant’s specific evidence that the policy was misapplied or not followed. It should include a copy of the decision communicated to the grievant. The grievant should identify the redress that is sought.

The written grievance is to be filed within five working days of the decision being grieved. The grievance is to be filed with the director of human resources. If the grievance is with the director of human resources, the grievance should be filed with the college president who will appoint an alternative institutional representative.

The duties of the director of human resources or alternative institutional representative shall be to present the grievance to the grievance committee.

The grievance committee shall be appointed annually by the president and consist of a Goshen College administrative faculty member, a teaching faculty member and a member of the staff.

Step Two

The director of human resources shall call a meeting of the grievance committee and the grievant within five working days of the receipt of the grievant’s written statement. By
agreement expressly made and recorded by both parties in writing, this time frame may be extended. The person against whom the grievance is filed, (respondent), is to receive a copy of the document submitted by the complainant concurrent to copies being given to the grievance committee. Should any of the committee members have or be deemed to have a conflict of interest, the president shall be notified and will appoint a replacement.

The grievance committee shall hear the grievant, and any witnesses he or she believes could add information of substance to support the allegations made in the complaint. The grievant may bring an advocate to assist in the process who is not a lawyer or off-campus person.

The grievance committee shall determine whether there is sufficient evidence to indicate a policy or procedure may have been misapplied or incorrectly followed. If such evidence is deemed lacking, the grievance committee shall communicate this information to the complainant and the review ends at this point. If the evidence indicates the complaint has merit, the committee shall continue its investigation by interviewing the respondent.

The respondent may be accompanied by his or her immediate supervisor and/or another advocate as defined above. The respondent may bring information or other persons to the hearing that he or she believes could add substance to support clarification regarding the allegation being made.

The grievance committee is to consider all the information presented by the grievant and by the respondent. The grievance committee is at liberty to call other persons or gather other information, which can reasonably be construed to assist its decision-making process.

The grievance committee shall put its decision in writing for the grievant and respondent within five working days of the completion of the hearing process. By agreement expressly made and recorded by both parties in writing this time frame may be extended. The decision of the grievance committee is final.

Only one copy of the records used in the grievance procedure will be kept once a final decision has been rendered either by the grievance committee. This copy will be sealed and stored in the president's office. The finding made against an employee of Goshen College shall be kept by the institution. That finding shall be lodged in the employee’s personnel file and the immediate supervisor of the employee shall be notified of this action. The findings shall be kept for a period of three years. If after three years no further grievances of a similar nature have been lodged against the employee, this grievance finding shall be destroyed. The employee shall be notified in writing when the institution destroys the record.

**Definitions**

**Working days:** Working days for the entire grievance procedure are defined as excluding weekends, legal holidays, and official school breaks.

**Advocate:** Advocate is defined as a colleague, fellow student or friend who is part of the college community and does not include persons with legal training.
Grievance Procedure, p. 3

Conflict of interest: A person shall be deemed to have a conflict of interest if he or she has direct line accountability for either principal in the dispute, is a relative of either principal, or has any substantial personal stake in the outcome of the procedures.

Procedures

Duties of the director of human resources or alternative institutional representative:

a. notify the grievance committee of the pending grievance.
b. find a suitable room in which the grievance can be heard.
c. arrange a time for the grievance committee hearing and notify the grievant, the respondent, and the grievance committee.
d. obtain a list of all persons who will give evidence on behalf of the grievant or respondent and notify these persons of the time and place of the grievance committee hearing.
e. assist the grievant to insure that all relevant information has been shared with the committee.
f. advise the respondent of the availability of supervisory assistance to insure that his or her perspective is adequately represented at the grievance committee hearing.

Duties of the grievance committee:

1. The grievance committee shall be brought together to review the procedural manual in advance of any grievance. It is the duty of the director of human resources to call this meeting.
2. The grievance committee will first hear the grievant. Growing out of this presentation the grievance committee may decide that additional persons need to add information about the grievance itself. Institutional persons who could add substantive assistance in clarifying policies and procedures may also be called for assistance.
3. The grievance committee will then, if determining the grievance has merit, hear from the respondent and any witnesses selected by the respondent. As a result of this presentation, the grievance committee may decide that additional persons need to add information about the grievance itself. Institutional persons who could add substantive assistance in clarifying policies and procedures may also be called for assistance.
4. The parties in this process shall be separated to guarantee a full and equitable hearing. Persons who will give evidence on behalf of either party shall be sequestered separately at all times except when called into the hearing room to present their evidence to the grievance committee.
5. The grievance committee shall meet privately to deliberate and make their decision regarding the grievance. It is desirable for the decision to be unanimous, but in the event that unanimity cannot be achieved a 2-1 vote is decisive.
6. The committee members will choose one of the committee members, who will
Grievance Procedure, p. 4

put the decision of the committee in writing. This document is to inform the grievant and the respondent of the decision made. It does not include the rationale for the decision. The written document must meet the approval of the entire committee. Only one copy of the records used in the grievance procedure will be kept once a final decision has been rendered either by the grievance committee. This copy will be sealed and stored in the president’s office.

7. A finding made against an employee of Goshen College shall be lodged in the employee’s personnel file and the immediate supervisor of the employee shall be notified of this action. The findings shall be kept for a period of three years.

Approved by Goshen College Board of Overseers, Jan. 29, 1993.