

UNIVERSITY of



DAYTON

Staff Dispute Resolution Policy

Effective Date:

Approval:

Maintenance of Policy: Vice President, Human Resources

PURPOSE: The University has established a Dispute Resolution procedure to facilitate the timely and objective review of information for the purpose of fact-finding, clarification and determination on matters found to be appropriate for review.

SCOPE: This policy applies to all University staff and student employees, except bargaining unit employees and members of the faculty having a dispute regarding matters covered by the faculty grievance procedure, as described in the Faculty Handbook. Note that a faculty member acting in an administrative capacity (e.g. department chairperson) may be a party to a grievance brought by a person covered by this procedure (e.g. departmental administrative assistant). Bargaining unit employees address grievances using the process described in their bargaining agreement.

Disputes involving allegations of harassment or discrimination will be referred for investigation and resolution under the procedures outlined in the University's Non-Discrimination and Anti-Harassment Policy.

POLICY: Any employee who believes s/he has a valid dispute should advise his/her immediate supervisor of the complaint and discuss the matter fully with him/her. If the discussion does not result in a satisfactory resolution or if the employee is not comfortable going directly to his/her supervisor, the employee may initiate the Dispute Resolution Procedure.

PROCEDURE:

- **Step 1:** The employee should submit the dispute in writing to the second-level supervisor within twelve (12) calendar days of knowledge of the facts. The second-level supervisor will hold a meeting with the employee and his/her immediate supervisor within seven (7) calendar days of receipt of the dispute. The second-level supervisor will investigate the matter as appropriate, and provide a written response to the employee within seven (7) calendar days of the meeting. If the employee is satisfied with this

REFERENCE DOCUMENTS:

1. Faculty Handbook
2. University Non-Discrimination and Anti-Harassment Policy
3. Grievance Procedure, Agreement between The University of Dayton and DPSU, Local 101 AFSCME

Staff Dispute Resolution Policy, (continued)

POLICY (continued):

response, the process concludes at this step. If the second-level supervisor is a Divisional Vice President, Step 2 will be skipped.

- **Step 2:** If the dispute is not resolved at Step 1, the employee may submit a written dispute to the third-level supervisor within seven (7) calendar days of the date of the second-level supervisor's response. The third-level supervisor will hold a meeting with the employee, his/her immediate supervisor and the next-level supervisor within seven (7) calendar days of receipt of the dispute. The third-level supervisor will provide a written response to the employee within seven (7) calendar days of the meeting. If the employee is satisfied with this response, the process concludes at this step.
- **Step 3:** If the dispute is not resolved at Step 2, the employee may submit a written dispute to the Vice President of Human Resources within seven (7) calendar days of the date of the third-level supervisor's response. The Vice President of Human Resources will hold a meeting with the employee and the employee's supervisor and/or other members of the chain of command as applicable within seven (7) calendar days of receipt of the dispute, and will investigate as appropriate. A written response will be provided to the employee within seven (7) calendar days of this meeting, unless additional time is needed, in which case the employee will be informed of the expected date of response. The decision of the Vice President of Human Resources is final.

Support/Advisor

Any party participating in the dispute resolution process is free to seek the assistance of a personal advisor or support person. Each party is free in his/her choice of an advisor provided that the advisor is not of a relationship closer to second cousin, a legal guardian, or currently in an employment supervisory relationship to the party. These restrictions are made to attempt to ensure that the advisor maintains an appropriate emotional and/or administrative distance from the process and its outcome.

It may be the case that one or more parties to the dispute will have retained legal counsel. While a person is free to acquire any assistance deemed appropriate, attorneys of parties to the dispute are not permitted to attend or participate in the meeting(s). A support/advisor may attend meetings regarding the dispute for the limited purpose of providing advice and support to the employee. The support/advisor, however, may not participate in any other fashion in meetings and is specifically prohibited from questioning or addressing any parties in the meetings.

Federal or Local Laws

There may be federal or local laws that cover some workplace disputes. Participating in dispute resolution efforts under this Policy does not extend the deadlines to seek redress from outside agencies or initiate legal proceedings.

Retaliation Prohibition:

Retaliation against anyone using the Dispute Resolution Policy in good faith is a violation of University policy, as is the specious, bad-faith filing of a dispute.

Confidentiality:

The University will handle the process as confidentially as possible; however, many persons may be involved during the process including the parties, witnesses, support/advisors, and the chain of command. In the event of a finding that an employee has violated a policy, a brief statement of the finding will become part of the offending party's personnel file.

Staff Dispute Resolution Policy, (continued)

DEFINITIONS: For purposes of this policy, the following definitions apply:

“Dispute” describes a situation in which a staff employee believes s/he has been subject to the misapplication of a policy, procedure, or practice of the University. Employees may dispute matters such as wages, hours, terms/conditions of employment, disciplinary actions, and terminations. The term “dispute” may be used interchangeably with the terms “complaint” or “grievance.”