

Role of Advisor in Grievance Process

When a university employee decides to begin the grievance process, it is advisable for him/her to have someone who can provide information and help keep him/her on track through the grievance procedure. This is an intense and emotional time for the grievant. The grievant may choose any university employee he/she wants to accompany him/her through the steps of the grievance procedure. However, the person should be familiar with the grievance policy and willing to be frank and honest about his/her perception of the facts in the case. Staff Council has a list of employees who are familiar with and have experience in the grievance process and who are willing to serve as advisors.

Gather Information

An advisor for a person filing a grievance should learn as much as possible about the grievant by asking the following questions.

1. What is your job status in the university? Are you a full-time regular staff employee? (The Ball State University Staff Council is advisory to all full-time regular staff employees.)
2. How long have you been employed at the university?
3. How long have you been employed in your current department?
4. What policy or rule of the university has been violated?
5. How have you been rated on your annual performance evaluations?
6. Are you willing to provide copies of your performance evaluations to the hearing committee if this grievance would go to Step 3?
7. Do you have documentation that you have gathered over a period of time concerning this issue?
8. Have you been to Human Resources to look into your personnel file to know what has actually been submitted from your department?
9. Have you read about the grievance procedure and do you understand the important timelines associated with the grievance policy?
 - The policy can be found under Item **3.4.7 Grievance Procedure for Staff Personnel & Service Personnel (Non-Bargaining Unit) Affiliated with Staff Personnel** at <http://www.bsu.edu/hrs/media/pdf/finnx06.pdf>.
 - It is very important that the timeline between steps are adhered to by the grievant because missing a deadline can end the grievance procedure. However, if the university misses a deadline, it doesn't end the process.

Steps 1 and 2: Written Grievance

The grievance process begins with the completion of the grievance form. The information included on the form is very important because if the grievance goes to a hearing committee, the committee can only rule on violations listed on the original grievance form, not new information brought up at the hearing. The advisor should guide the grievant in completing the form whenever possible.

The grievant should prepare a brief outline of the issues and/or occurrences with dates in chronological order. This helps the grievant to complete the form and stay on track during meetings for steps 1 and 2. The university policy or rule violated should be stated clearly on the form and a desired outcome should be noted. The desired outcome could eventually help the committee understand what the grievant wants to accomplish.

Step 3: Hearing

The grievance hearing agenda typically includes:

1. Call to order
2. Introductions
 - Committee members
 - Aggrieved party
 - Supervisor party
3. Grievance is read by Employee Relations Committee Chair
 - University Rule/Regulation Violated
 - Statement of Grievance
4. Presentation of Evidence and Witnesses
 - Aggrieved – presentation of evidence and testimony
 - Administration/Supervisor – presentation of evidence and testimony
5. Closing Statements
 - Aggrieved
 - Administration/Supervisor
6. Hearing Adjourned

Presentation of Evidence and Witnesses

- The grievant presents first. Any exhibits of evidence (any documentation supporting the grievant) and a written statement should be presented so everyone can follow what is going on. It is the responsibility of the grievant to provide copies for everyone present at the hearing, normally 15-20. The packet of materials can be distributed to everyone present at one time or items can be distributed individually. The packet should be in order with all pages numbered. Individual exhibits should be clearly marked for easy reference when being discussed.
- A list of witnesses (people who are willing to testify for the grievant at the hearing) should be presented to the Chair of the Hearing Committee. The witnesses will only be in the hearing room during the time of their statements and to answer questions regarding their statements.

Witnesses who cannot be present at the hearing can submit a written statement; however, the grievant should be strongly discouraged from using witnesses who cannot be available to testify in person. If the witness is not at the hearing in person, he/she cannot be cross-examined; therefore, the written statement may not be allowed as evidence by the University hearing committee. The hearing committee will vote as to whether a statement from a witness not in attendance will be included in the grievant's defense. If used, a written statement from a witness must be dated and his/her signature notarized.

- When the University presents evidence, it is more legally oriented. The University does not distribute a whole packet to everyone. Instead, each piece of evidence is asked to be accepted into evidence as it is presented.

Conduct in the Hearing

- It is important for the grievant to maintain emotional composure and speak loudly enough for everyone in the room to hear. The grievant is the one fighting for his/her case.

- The grievant should be polite and listen to instructions from the Chair of the Hearing Committee. The chair of the hearing committee should be addressed as Mr. Chair or Madam Chair.
- The hearing is tape recorded so a transcript of the proceeding can be prepared. The recorders are placed on each side of the room close to the people on the university side and the grievant side of the tables.
- The grievant may quietly ask his/her advisor questions and the advisor can remind the grievant of facts and answers to questions. (Remember, the tape recorder is recording.)
- The grievant should expect to be asked questions by anyone in the room including the university representatives and the hearing committee members. The grievant has the right to ask questions of the university representatives after they have made their presentation.
- For the grievant's closing, a written statement should be prepared to recap what the grievant wants to project to the hearing committee. It should include:
 1. Appreciation of everyone attending the hearing and taking the time to listen to the grievance;
 2. A summary of major points in the case in chronological order; and
 3. What the grievant expects to achieve and accomplish with the grievance.

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