

FAQs for Grievants for Staff Council Website

1. I have an issue I can't get resolved with my supervisor. What do I do?

First, take time to make sure that you are clear on the conflict. Write down exactly what happened that led to your conflict. The grievance process requires that you are very specific about the events that occurred leading to the conflict. Write it all down while it is fresh in your mind.

Emotions play a big part in how we perceive conflicts, but they have no place in the grievance process. The only grounds for filing a grievance are a violation of a policy or regulation. As unfortunate as personality conflicts are, unless a policy has been violated, the chances of a successful outcome are very poor. After you have written down exactly what happened, take time to remove the emotional aspects leaving only the facts about what happened. Taking an objective look at the conflict is the first step to resolving it.

Use the most current copy of your employee handbook available on the web at <http://www.bsu.edu/hrs/handbooks/> to determine which policies you feel have been violated. Write down the policy and the section number so you can refer to it in your written grievance. If the policy is one that is generally left up to the discretion of the departments or supervisors, collect all the information you can to show that the interpretation is not being applied consistently. The references you make to policies and procedures will define an applicable grievance.

2. What's the difference between harassment and a grievable offense? Are they handled differently?

A grievance is only appropriate when a specific rule or policy has been broken or not interpreted equally among staff. "Harassment" refers to verbal, physical, graphic, or written conduct that has the purpose or effect of creating a hostile or intimidating environment; i.e., conduct which is sufficiently severe, pervasive, or persistent that it interferes significantly with an individual's employment.

When a specific rule or policy has been broken, employees must follow the grievance procedures as outlined in the Handbook for Exempt Staff Personnel, the Handbook for Nonexempt Staff Personnel, or the Handbook for Service Personnel (Non-Bargaining Unit) Affiliated with Staff Personnel. Employees who believe they have been harassed in violation of the University Anti-Harassment Policy also outlined in the handbooks listed above.

3. What do I do to file a grievance?

- 1. Review the grievance process outlined in the Handbook for Exempt Staff Personnel, the Handbook for Nonexempt Staff Personnel, or the Handbook for Service Personnel (Non-Bargaining Unit) Affiliated with Staff Personnel available at <http://www.bsu.edu/hrs/handbooks/>.*

2. Get a grievance form from <http://www.bsu.edu/webapps2/formfinder/forms/HR-34.pdf> or University Human Resource Services in the Administration Building Room 350.
3. Secure an advisor to assist you in completing the grievance form. Completing this form thoroughly and accurately is essential for representing yourself well throughout the grievance process. Be sure to state what you want as a resolution to the grievance.
4. Submit your completed grievance form to your immediate supervisor within 10 calendar days following the occurrence of the event or circumstances giving rise to the grievance.

4. What is an “advisor” and why do I need one?

A grievance advisor is a university employee who will assist you and attend meetings with you through the grievance procedure. You are not required to get one, but here are three good reasons why you should.

- 1) *Staff Council has identified people who are experienced in the grievance process so they can provide first-hand knowledge of the process.*
- 2) *An advisor is able to take an objective view of the situation and give you constructive advice for presenting the issues in your case.*
- 3) *Grievances are official hearings. It is very reassuring to have an advisor to accompany you.*

It is recommended that your advisor is selected before the grievance form is completed. Their expertise and experience will assist you in expressing the issues and desired resolution on the form.

5. If I don’t know someone to be an advisor, where do I find someone?

Contact the President of Staff Council or the Chair of Staff Council’s Employee Relations Committee. A current list of Staff Council officers is available at <http://www.bsu.edu/staffcouncil/members/>.

6. What kind of information about the incident or situation do I need in order to file a grievance?

You need to document the incident or situation as completely as possible. You will need to have dates and times of the occurrence, who was there who might have witnessed it, printed copies of e-mails or other written communications, and printed copies of departmental policies or procedures that may be in question. You need to approach this as if you were preparing a case for court. Remember, a grievable event does NOT exist based solely on the words of one person against another; it exists based on the evidence presented. Honestly share everything about the situation and your work environment with your advisor so he/she is fully prepared to assist you in submitting the grievance form and supporting you through the process.

Your first and most important piece of evidence is information about which policy was violated. There are separate sets of regulations for the different types of employees at the University so you need to take a look at which regulations apply to you.

- *All handbooks are available online at <http://www.bsu.edu/hrs/handbooks/>. Determine your classification -- exempt, non-exempt, or service staff (non-bargaining) affiliated with staff personnel -- and review the appropriate handbook thoroughly for the rule(s) which applies to your situation. If you do not know your employee classification, contact Human Resources.*
- *Review departmental rules, policies, and procedures that may apply to your situation or may be in conflict with University policies.*
- *Write down the rules(s) that apply to your grievance completely including section numbers and section headers. Copy departmental policies and procedures that may be applicable.*
- *Write down facts that support your claim that the rule(s) was violated in your situation. A feeling that a rule was violated carries no weight – facts do.*

Witnesses may also be important in proving the validity of your grievance if the case goes to hearing.

- *As you complete the grievance form identify people who can verify what you are saying is true. Witness statements are not submitted with the form, but talking with them will help you and your advisor write the grievance so it includes all relevant information. Facts that are not on the grievance form are not allowed in the hearing.*
- *Ask witnesses early if they are willing to testify. If witnesses are the only way to validate your case and they won't testify or provide a written and notarized statement, your case may not be successful.*
- *Witnesses are people with first-hand knowledge of the situation. The relationship of a witness to you and the situation needs to be clearly established, honest, and verifiable.*

7. Could there be repercussions to filing a grievance?

Personalities play a huge role in what happens in the work place after a grievance is filed. When you file a grievance, you feel that you have been treated unfairly so you might possibly read more into gestures and comments than is intended. On the other hand, your supervisor feels as if his/her judgment and ability to supervise others is being questioned so he/she may also read more into gestures and comments than is intended. Generally, these feelings result in a changed work environment.

- *You will most likely experience a 'cooling' in your relationship with your supervisor. He/she may stop having casual conversations with you. He/she may also go 'letter of the law' in their dealings with everyone so that slack they gave before the grievance disappears.*
- *You might experience a 'cooling' in your relationships with co-workers. They might feel the supervisor is a good one, and might interpret a grievance as an attack on a supervisor that they admire.*

Over time these relationships will likely return to normal as you all reconnect and develop trust again.

Keep in mind that every grievance has two sides. The University will also be examining your role in the situation. If facts come to light during the process that show violation of University policy on your part, retroactive disciplinary action can be taken against you. Being very honest about everything that happened leading to the grievance is very important. A good advisor will be objective and honest in looking at the evidence you are presenting and warn you if he/she feels there could be repercussions based on your actions in the situation.

By filing a grievance, you may be able to change policy for the entire University. The purpose of a grievance is to ensure fair treatment of all staff personnel. Past grievance resolutions have led to changes in University policy that better serve the needs of the employees by providing clearer guidelines for supervisors.

8. What should I do if my supervisor treats me differently after filing a grievance?

Remember, a 'cooling' in your relationship with your supervisor is normal and he/she may be much more exact in following the written policies and procedures with you and your co-workers. If this happens, he/she is acting within the confines of proper behavior. You should accept that conflicts sometimes leave strained relationships.

It is against good employment practice for a person to be discriminated against on the basis of having filed a grievance. If you experience specific instances where you are being treated differently than your co-workers, you should write them down and share them with your supervisor immediately. These actions may not be intentional and it is important that you try to work things out with your supervisor without additional formal action.

9. How long does the grievance process take?

The grievance procedure outlined in the Handbook for Exempt Staff Personnel, the Handbook for Nonexempt Staff Personnel, or the Handbook for Service Personnel (Non-Bargaining Unit) Affiliated with Staff Personnel establishes time limits for each step of the process in order to keep the procedures moving forward. The process may end at any point where settlement is reached or the grievant fails to respond within the given time limit. If a grievance is resolved at steps 1 or 2, the process will be completed within the time frames provided in the grievance procedure. However, if a grievance goes to hearing, the time frame is determined by the availability of hearing participants.

10. Who attends a grievance hearing?

All grievances which reach step 3 of the grievance process are heard by the Staff Council Employee Relations Committee. The President of BSU Staff Council also attends hearings along with any person the University has designated to record, transcribe, or prepare a summary of the evidence presented. The employee may bring another university employee he/she has selected to assist him/her in the procedures (an advisor) as well as people who have information relevant to the grievance (witnesses). The supervisor(s) and the next higher supervisor(s) may also bring witnesses. Witnesses wait in a separate area and will only be in the hearing during their own testimony. The University is represented by the Director of Employee Relations and any other university-affiliated person he/she chooses to bring. The Associate Vice President for Business Affairs also attends.

11. Can I bring a lawyer to the hearing?

No.

12. Do I need witnesses?

People who have first-hand knowledge of the situation can provide credibility that what you are claiming is true. Having others validate that what you say happened did happen avoids a “he said, she said” situation. When identifying people to be witnesses, you should keep the following thoughts in mind.

- *Witnesses must be willing to testify in person. Your co-workers may be afraid of what effect their testimony will have on them or others. Make sure they are willing to share what they know publicly.*
- *If at all possible make sure your witnesses are willing and available to testify in person. If the witness is not at the hearing in person, he/she cannot be cross-examined; therefore, the letter may not be allowed as evidence by the University hearing committee. Only in extreme cases would you want a written and notarized witness statement.*
- *Know ahead of time what a witness will say. You and your advisor should meet with witnesses prior to the hearing, practice questions you will ask, and anticipate questions the University might ask so the witness can prepare his/her answers.*
- *Witnesses should be professional in appearance and conduct during the hearing. This is not the place for hot-headed friends but for people who are willing to state the facts and support your claims in a clear and concise manner when questioned.*

13. How is a grievance hearing conducted?

The hearing is conducted in a very structured manner to provide the committee with a complete understanding of the grievance circumstances. The hearing will be handled much like a court room setting although there are no technical rules for the admission of evidence. Ground rules will be established and each side will be given an opportunity to present their evidence, including witnesses, as well as ask questions of the opposing side.

14. Who is responsible for preparing materials and paying for copies?

You must bring enough copies of any exhibits of evidence or written statements for everyone attending the hearing, usually 15-20. These materials should be prepared without university resources on your own time and at your own expense.

15. Can I prepare for the hearing during work hours?

No.

2/18/2008