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Webster University
Grievance Policy & Procedures

I. Introduction

Webster University ("the University") is committed to maintaining a campus environment where its diverse population can live and work in an atmosphere of acceptance, civility, and mutual respect for the rights, duties and sensibilities of each individual.

It is generally recognized that in any human group complaints may originate because of misunderstandings, missed communications, perceived injustices, unanswered or incorrectly answered questions or minor problems that have been neglected. Effective communication techniques are the tools by which one builds good human relations and accomplishes the objectives of the institution.

Sometimes effective two-way communication is not possible in a time of conflict. These Grievance Procedures have been developed in the hope that their accessibility and standard of fairness will encourage students, faculty and staff to utilize them as an internal forum for the resolution of such conflicts. These Procedures allow both sides of a disagreement to be fairly considered, and permit disputes to be resolved in a timely and constructive manner. Each grievance is to be treated seriously and with an awareness that grievances must ultimately be solved by people rather than structures. Internal resolution of grievances is desired. Procedures described in this Policy provide a method for that internal resolution.

Webster University supports the right of students, faculty, and staff at all the University's campuses, to obtain the review of actions taken that they consider unfair or as an impediment to the successful attainment of working, living, and learning at Webster University.

Members of the University community at all levels have a fundamental responsibility to resolve internal disputes by taking appropriate, prompt, and fair action. Individuals attempting to resolve disputes should seek appropriate assistance from their supervisor or manager, department head, dean, division executive, the president of the faculty senate, the chief human resources officer, the dean of students, or any other appropriate University resource.

Grievances are to be presented to the appropriate individual as indicated at each step described in this Policy and must contain information prescribed by this Policy. Only one grievance procedure

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may be used for the same grievable issue. A grievance submitted under the formal procedure must be in writing. To the extent possible, strict confidentiality will be maintained regarding all matters relevant to grievances on a criterion of "need to know." All grievances will be promptly, thoroughly, and impartially investigated and decided within reasonable time frames at each stage of the grievance process.

The formal grievance process may generally be activated only after an effort has been made to resolve an issue through an informal process and when discussions between the parties to the disagreement have been exhausted and left unresolved. An exception to this is a grievance related to an alleged violation of an individual's civil rights, defined below in Section VIII. The desire to prevent or to anticipate or to register mere unhappiness over a decision or action does not, alone, justify a grievance.

The University's Grievance Policy and Procedures will be distributed electronically to all students, faculty and staff on an annual basis. Each division executive, dean and grievance coordinator will attempt to settle grievances using the Informal Procedure before a formal grievance may be filed.

The University retains the final decision in any matters pertaining to disciplinary action or termination of individuals.

The University reserves the right to restrict use of the Grievance Policy and Procedures in any circumstances where it appears the Grievance Policy and Procedures are being used to harass students, faculty members, staff members or leadership.

II. Applicability

This Grievance Policy applies to all students, faculty members, and staff members of the University and to issues involving other employees, students, and/or third parties with contractual relationships with the University. These Grievance Procedures are not applicable to complaints that have other internal remedies in place.

Employees who voluntarily resign their employment with the University can exercise their rights under this policy during the two weeks immediately following their resignation. Employees terminated for cause are not able to exercise rights under this Policy in order to be

reemployed but otherwise have two calendar weeks immediately following termination to file a grievance.

This Policy is applicable to all grievances filed from the date of this Policy forward.

III. Definitions

Burden of Proof: A member of the University community who files a grievance has a burden of proving, by a preponderance of the evidence, that he or she has been wronged.

Confidentiality: Confidentiality means maintaining as confidential, to the extent possible, all matters related to a grievance on a criterion of "need to know."

Dean: An employee appointed to serve as the chief academic dean over one of the five schools and colleges of the University.

Division Executive: An employee who serves as a member of the University's Administrative Council who has overall leadership responsibility for a major administrative department/division of the University.

Faculty: Members of the University faculty including full-time, part-time, adjunct, and non-regular faculty when serving primarily in an instructional capacity. Also included are Deans and academic administrators who retain faculty status.

Grievance: A grievance is an allegation by an individual based on specific facts that there has been a misinterpretation, misapplication, discriminatory application, or violation of a University Policy or Procedure. The intent of a grievance process is to resolve a dispute over significant issues not minor disagreements.

Grade disputes, admissions decisions, graduation appeals, and similar academic decisions are not grievable issues, unless they are complaints involving civil rights (as defined in Section VIII).

The following situations may be grieved:

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(1) alleged violations of academic freedom;
(2) unsafe or inappropriate work assignment;
(3) unsafe working conditions;
(4) policy application;
(5) for students, legally prohibited unequal treatment, including but not limited to discrimination or harassment, on the basis of any civil rights (as defined in Section VIII); provided, however, that the University's Title IX Policy on Sex Discrimination, Including Sexual Harassment ("Title IX Policy")—not this Grievance Policy—governs all grievances and allegations of "sexual harassment" as defined in the Title IX Policy; and
(6) a repeated pattern of harassment or other inappropriate behavior that does not involve any protected characteristic identified in (5).

These grievance procedures may be utilized to review the process and procedures of awarding tenure/Faculty Development Leave (FDL) status, promotions, classification, salary increases, and non-reappointment. However, the Grievance Policy cannot be used to question or challenge the academic judgment or decision-making related to these actions.

Grievance Coordinator: The Grievance Coordinator is the individual to whom a formal, written grievance must be submitted.

The Grievance Coordinator for grievances lodged by students is the Dean of Students or designee.

> The current Dean of Students is John Buck, AVP & Dean of Students, University Center, 175 Edgar Road, Saint Louis, MO 63119, 314-246-2020

The Grievance Coordinator for grievances lodged by faculty is the President of the Faculty Senate or designee.

> The current President of the Faculty Senate is Stephanie Schroeder, Professor, Faculty Senate Office, Love Foundation Alumni House, 534 Garden Avenue, Saint Louis, MO, 314-246-2354

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The Grievance Coordinator for grievances lodged by staff is the Chief Human Resources Officer or designee.

> The current Chief HR Officer is Charles Burton, CHRO, Human Resources, 470 East Lockwood Avenue, Loretto Hall 212, Saint Louis, MO 63141, 314-246-7055

The Grievance Coordinator is responsible for helping to coordinate the expeditious and fair resolution of problems raised by University students, faculty and staff. The role of the Grievance Coordinator is to assist the parties in seeking a satisfactory resolution of the issues and not to determine who is "right" or "wrong." To that end, the Grievance Coordinator will remain neutral throughout the proceedings and will serve primarily as a facilitator. In appropriate circumstances, the Grievance Coordinator may also coordinate efforts within various University offices to resolve disputes in a prompt, flexible, and responsive manner. The Grievance Coordinator also may be consulted during the Informal Process of trying to resolve a grievance.

If a grievance is lodged against a Grievance Coordinator then the Grievance Coordinator's division executive will name an alternative person to serve as the Grievance Coordinator for that specific matter.

Grievant: The Grievant is the person lodging a grievance.

Respondent: The Respondent is the person against whom a grievance is lodged.

Retaliation: Retaliation is a material adverse action against an individual, because of his or her participation in any part of a grievance proceeding. The University prohibits retaliation in any form.

Staff: Any full-time or part-time University employee other than faculty. Graduate assistants and student workers are considered staff for purposes of this Policy when serving in an administrative capacity. Also included are University leadership, division executives, deans and other non-academic administrators unless they also hold faculty status.

Student: One who has accepted an offer of admission to the University with a monetary deposit and is in the process of enrolling, is registered or enrolled, or who has paid tuition, fees or other

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University costs for credit or non-credit instructional activities at the time during which the alleged grievance occurred.

Terminated for Cause: An involuntary termination of employment for reasons that may include, but are not limited to, poor performance, excessive absenteeism, violation of a University Policy or Policies, breach of contract, or illegal activity. The cause is not for reasons that may be deemed as arbitrary and capricious, but is one which a reasonable person will recognize as reason for an employee no longer occupying his or her position with the University.

Witness: An individual identified by the Grievant, Respondent or a member of the Grievance Hearing Panel who can contribute to the substance of the grievance at hand. An individual identified as a witness or potential witness cannot be forced to testify and will not be coerced, intimidated, or retaliated against for their testimony or refusal to testify.

IV. Confidentiality

To the extent possible, strict confidentiality will be maintained by all parties regarding all matters relevant to grievances on a criterion of "need to know" with the following provisions. In the case of all grievances other than those involving civil rights (as defined in Section VIII) or those alleging "sexual harassment" as defined in the Title IX Policy, the Grievant's and Respondent's management will be notified. If a grievance involves civil rights, the University's Chief Human Resources Officer must immediately be notified by the Grievance Coordinator. Members of the Grievance Hearing Panel, as described later in this Policy, shall not discuss the Grievance outside of the Hearing Panel meetings and shall not accept side conversations with persons who are not part of the formal hearing process.

V. Non-retaliation

Students, faculty members, and staff members have a right to file a good faith grievance and to participate in an informal and formal grievance procedure without fear of retaliation. The University will not tolerate retaliation against the Grievant, Respondent(s), Witnesses, Hearing Panel Members, Grievance Coordinator or against any other individuals formally involved as parties to the grievance procedure. Any attempt to retaliate against a person or persons for raising an issue or participating in dispute resolution under this Policy is strictly prohibited. Any person

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who makes such an attempt will be subject to whatever disciplinary action the University concludes is appropriate, up to and including termination.

III. Burden of Proof

Any member of the University community who files a grievance has the burden of proving, by a preponderance of the evidence, that he or she has been wronged. If, at the conclusion of the Grievance Hearing, the Grievant fails to carry this burden, then the finding should be "not responsible" on the part of the Respondent(s).

VII. Timetables

Time is usually one of the concerns of persons seeking to resolve differences. Sensitivity to the issue of time is also important in the successful use of the grievance Procedure. While haste is to be avoided in the discussion and resolution of problems, the danger of crippling the possibility of a meaningful resolution by delaying discussion or work on the issues involved is equally to be avoided. This Procedure addresses the crucial issue of time – establishing a time limit for each step in the procedure. An extension may be granted if necessitated by time limitations resulting from the University calendar or other special circumstances. The Grievant and Respondent will be provided written notice of any such extensions.

If an extension is desired by one or both parties involved in the resolution of a grievance, the request should be made to the Grievance Coordinator. The Grievance Coordinator will consult with the appropriate division executive(s) and/or dean(s) and will convey the decision to the involved parties in writing.

VIII. Civil Rights Complaints

With the exception of grievances regarding "sexual harassment" as defined in the Title IX Policy, a grievance to involve the civil rights of an individual when the primary cause of the grievance relates to age, , race, religion, creed, color, ethnic/national origin, ancestry, physical or mental disability, , genetic background, marital status, , veteran status, or other personal characteristic protected under federal law in the United States or under any local or state law applicable to any University campus in the United States (collectively, "civil rights") will be addressed under the grievance process outlined by the Office for Civil Rights Compliance for employees and under

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this Grievance Policy & Procedures for students. The University recognizes that the laws in some jurisdictions where the University operates campuses may not be consistent with civil rights laws in the United States; nevertheless, all grievances involving civil rights shall be subject to the procedures set forth in this Section VIII regardless of where such grievances arise, unless applicable law requires otherwise. If the Grievant thinks that his or her civil rights are involved in a grievance, the Grievance Coordinator should consult the Director, Office for Civil Rights Compliance prior to or at the same time of the initiation of the grievance procedure. Following that notification, grievances which involve civil rights may be submitted to the grievance process.

Persons having grievances concerning civil rights are not required to use internal procedures before filing a complaint with a governmental agency external to the University. However, both the administrators of the University and many governmental agencies recommend the use of internal processes before initiation of external resolution processes. Still, an individual has the right at any time to use procedures and agencies external to the University. Employees based in the United States have access to the following federal and state agencies:

- the Regional Office of the U.S. Department of Education, Office for Civil Rights, which investigates complaints of discrimination on the basis of age, sex, race, religion, color, ethnic/national origin, disability, or veteran status, https://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm
- the Department of Health, Education and Welfare which administers title IX of the Education Amendment of 1972 prohibiting sex discrimination in education;
- the Wage and Hour Division of the Department of Labor which administers the Fair Labor Standards Act of 1938, among others;
- the Equal Employment Opportunity Commission (EEOC) which administers federal laws forbidding discrimination in employment because of age, sex, race, religion, color, ethnic/national origin, disability, or veteran status;
- the Missouri Commission on Human Rights which enforces state anti-discrimination laws or similar agencies in the states where the University has a campus; or
- the federal or applicable state court system.

Time is always an important factor to these external agencies. If an employee wishes to consult an outside agency, the employee should be aware of the time limits imposed by that agency.

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IX. Grievance Process

The grievance must be brought to the attention of the appropriate individuals within the timelines specified in these Procedures or the grievance will not be considered. Informal discussions between the parties at all levels of the University should occur in good faith to attempt to resolve the dispute.

If the grievance is not satisfactorily resolved through informal means, the following points are important. The Grievant submits the written complaint to the appropriate Grievance Coordinator, within the timelines described in these Procedures, for consideration and further action, stating the nature of the grievance, the steps that have been taken, and the resolution expected. A Grievance Hearing Panel will be convened to determine whether the issue qualifies as a grievance as defined by this Policy and, if so, to hear the grievance and make a recommendation on the action, if any, to be taken.

X. Dispute Resolution Committee

The Dispute Resolution Committee consists of 21 members of the University community with equal representation from the three constituencies: students, faculty, and staff. Each member of the Committee is appointed by their Grievance Coordinator, to serve a two-year term except that during the initial year of implementation of this Policy appointments will be made with staggered 1 and 2-year terms. Because of scheduling issues, students may be appointed for a one year term.

University leadership, division executives, deans and grievance coordinators may not be appointed to serve on the Dispute Resolution Committee. Members of the Dispute Resolution Committee will receive annual training in the dispute resolution process and the University's Policies and Procedures regarding the same.

Grievance Hearing Panels will be made up of five (5) members of the Dispute Resolution Committee.

XI. Grievance Hearing Panel

The Grievance Hearing Panel is comprised of five (5) members of the Dispute Resolution Committee. If a grievance involves members of two constituencies, the Grievance Hearing Panel will have representation from both constituencies. Students may only serve on a Grievance

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Hearing Panel if one of the involved parties is a student or a student worker. Many members of the University have dual constituency status such as a staff member enrolled in academic coursework as a student and student employees. For purposes of this Policy the constituency in which the Grievant is affected will be recognized.

The Grievance Hearing Panel will review documentation related to the grievance, and take testimony from the Grievant, Respondent, and witnesses presented by both parties. Based on the evidence presented, the Panel will reach a recommendation with respect to the issue(s) presented. The Grievance Hearing Panel's written recommendations, based on a simple majority vote, will be forwarded to the appropriate Grievance Coordinator, who will transmit the recommendations to the appropriate division executive(s) and/or dean(s) of the University. The division executive(s) and/or dean(s) will then make a final decision and notify the Grievance Coordinator, who will notify the Grievant and Respondent of the decision in writing.

Appeals. Decisions of the Grievance Hearing Panel and the division executive and/or dean may be appealed to the President as described in the Procedures that follow. The decision of the President is final at the institutional level.

XII. Extended Campuses

Due to the University's global network of campus locations, the process for grievances involving individuals outside of the home campus in St. Louis may be conducted by telephone, teleconferencing, or by engaging a neutral third party. The designated Grievance Coordinator is responsible for the coordination of the process to assure an expeditious and fair resolution of problems raised by University students, faculty and staff outside of the main campus location.

PROCEDURES

XIII. Informal Grievance Procedure

Overview

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Most issues and concerns can be resolved by open communications and through an informal process. Individuals are encouraged to achieve by informal means what they regard as a fair and reasonable resolution of their complaint. Before filing a formal written grievance, the Grievant must first make a good faith effort to confer with the party against whom he or she has a grievance in an effort to resolve the matter informally except where the grievance relates to civil rights as defined in Section VIII or "sexual harassment" as defined in the Title IX Policy. This informal grievance procedure is described in steps one through three below.

In instances where the Grievant feels uncomfortable speaking to the Respondent, an immediate supervisor, department head, or dean, or has any reservations about initiating the initial contact within the Grievant's department, school, or work unit, the Grievant should contact the appropriate Grievance Coordinator. If the grievance is against the Grievance Coordinator then the Grievance Coordinator's division executive or dean should be contacted and he or she will appoint another individual to serve as a Grievance Coordinator for that matter. The Grievance Coordinator will discuss the matter with the Grievant, become familiar with the complaint, and then advise the Grievant as to what options are available for resolving the problem.

The Grievance Coordinator may ask the Grievant to meet with the Grievant's immediate or second level supervisor, the division executive of the Grievant's organization, or the dean of the Grievant's school or college in order to give those individuals an opportunity to resolve the matter. The Grievance Coordinator may meet with the parties together or separately to discuss the problem and may involve other persons in these discussions as appropriate. The Grievance Coordinator may serve as a resource or a facilitator during the informal process. Furthermore, upon request, the Grievance Coordinator should make reasonable efforts to provide supportive measures to a Grievant and Respondent. For purposes of this Grievance Policy, the term "supportive measures" means nondisciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge. Supportive measures may include any of the following examples: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Step One: Initial Discussion

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Before filing a formal written grievance, the Grievant must first make a good faith effort to meet and confer with the party against whom he or she has a grievance. The Grievant should normally initiate this informal process within twenty (20) working days of the most recent incident or action leading to the grievance. This meeting should represent an effort to achieve by informal means what the Grievant regards as fair and reasonable resolution to the complaint.

The Grievant, either personally or through his or her Grievance Coordinator, has the obligation to adequately and fully inform the Respondent of the problem and what would be considered a satisfactory solution. The Respondent, in turn, has the obligation to consider the matter seriously and to answer issues as promptly as possible, yet not with undeliberated haste. Both parties have the obligation to act in good faith.

If the issue is not resolved, then the Grievant should proceed to Step Two of the informal process.

Step Two: Meeting with Supervisor

If the Grievance is not resolved in Step One, then the Grievant should contact his or her immediate supervisor or Grievance Coordinator to discuss the grievance. *The Grievant must clearly inform the supervisor, Grievance Coordinator, or other member of management that he or she is pursuing a grievance under this Policy*. This step should normally be undertaken within five working days of meeting with the Respondent. If the Grievance involves the supervisor then the Grievant should contact the next level of supervision. The department head, dean, division executive, and/or the appropriate Grievance Coordinator may also be consulted during this step. A meeting to discuss the Grievance should normally occur within five working days of the Grievant's notification of the grievance to his or her supervisor, manager, dean, division executive, or Grievance Coordinator.

If the Grievance is resolved in this meeting, then the Grievant's supervisor, department head, dean or division executive, or Grievance Coordinator should prepare a written document summarizing the issue and its resolution and give a copy to the involved parties.

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If the Grievance is **not** resolved, then the Grievant is encouraged to use Step Three of the Informal Procedure.

Step Three: Mediation

If the matter has not been resolved to the Grievant's satisfaction in Step Two of the Informal Procedure, then the Grievant should contact the appropriate Grievance Coordinator to request a Mediation Meeting with the Grievance Coordinator and the Respondent's dean or division executive. The purpose of this meeting is to discuss the grievance and, if possible, reach a solution that is acceptable to all parties. The Grievance Coordinator will participate in this meeting and will function as the mediator to facilitate discussion and assist in resolving differences between the parties.

The Grievant's request for a Mediation Meeting should generally be made within five working days of the conclusion of Step Two of this procedure. This meeting should generally occur within five working days from the date the Grievant requests the meeting. The Grievant and all other involved parties must be informed of the date of this meeting in writing.

The Grievant should be prepared to: a) fully explain the issue, b) describe the steps that have been taken; and c) state the resolution that is desired. If resolution is reached from this meeting the Grievance Coordinator will document the meeting and the resolution. Copies of the written documentation will be given to the Grievant, the Respondent and to the appropriate supervisors, managers, dean(s) and/or division executive(s) for implementation.

If resolution is **not** reached, the Grievant may proceed with the Formal Procedure.

XIV. Formal Grievance Procedure

In the event the Grievance is not resolved through informal discussions and mediation then the Grievant may choose to pursue the Formal Grievance Procedure as described below. Prior to invoking the Formal Procedure, the Grievant must demonstrate that he or she has exhausted all Informal steps and is still not satisfied with the resolution of the issue.

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Step One: Written Request for Grievance Hearing

A Written Request for a Grievance Hearing must be completed by the Grievant and submitted to the appropriate Grievance Coordinator within no sooner than five and no more than ten working days of the conclusion of the Informal Procedure. Staff, Faculty, and Student employees complete the Written Request for a Grievance form. Students complete the Written Request for a Grievance form. Upon receipt of the Written Request for a Grievance Hearing form, the Grievance Coordinator will assess whether interim measures to protect the Grievant while the Grievance is pending are appropriate and will inform the Grievant and Respondent in writing if any such measures are taken. The Grievance Coordinator will notify the Respondent and will give the Respondent a copy of the written grievance. The Grievant is required to prepare a written Request for Grievance Hearing to ensure that any subsequent Grievance Hearing will address the specific issues that most concern the Grievant. The guidelines set forth below are designed to ensure that the written Request for a Grievance Hearing clearly identifies those issues. The Written Request, when made, must include the following information:

- the date the Written Request for a Grievance Hearing is submitted to the Grievance Coordinator;
- the Grievant's name and job title or student identification number, current email address and telephone number;
- the department or unit in which the Grievant is enrolled or employed;
- the specific nature of the problem or complaint including:
  - the name and contact information (current email address and telephone number) of the Respondent(s),
  - all facts related to the complaint, and
  - all documentation related to the complaint;
- a written summary of the steps undertaken in the Informal Procedure and copies of any documents produced as a result of that informal process including documents produced by the Grievant as well as any responses from the Respondent, supervisor, department head, or others;
- a list of not more than five witnesses and their current email address and telephone number for any witnesses the Grievant plans to produce at the hearing; the Grievant may submit additional names which the Hearing Panel may wish to call as witnesses on its own accord;

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- the specific reason(s) the grievant disagrees with responses obtained through the Informal Procedure; and
- the Grievant's suggestion for proper resolution of the matter.

Step Two: The Grievance Hearing Panel

Purpose of the Grievance Hearing Panel

The Grievance Hearing Panel has two charges. The first is to determine whether the Grievant's complaint is a grievable issue under this Policy. If the Hearing Panel determines that the issue is grievable under this Policy, then its second objective is to hear the grievance and all related testimony and render a decision and recommendations on the issue(s) being grieved.

Appointment of the Grievance Hearing Panel

The Grievance Coordinator, upon receipt of a Written Request for a Grievance Hearing, will immediately notify the appropriate division executive and/or dean and the Chief Human Resources Officer. The Grievance Coordinator will randomly select five members of the Dispute Resolution Committee to serve as prospective members of the Grievance Hearing Panel. This will normally be done within five working days of receipt of the Written Request for a Grievance Hearing. At least two of the individuals selected will be of the same constituency as the Grievant and at least two will be of the same constituency as the Respondent. The fifth individual will be randomly selected from the remaining members of the Dispute Resolution Committee. Students may serve on a Panel *only* if the Grievant or Respondent is a student or a student worker.

Each member of the Grievance Hearing Panel must avoid participating in any matter where a conflict of interest or material bias for or against the Grievant or the Respondent(s) is present.

Step Three: Initial Meeting of the Grievance Hearing Panel

The Initial Meeting of the Grievance Hearing Panel is a closed meeting, for Hearing Panel members only. This meeting will generally take place within ten working days of

appointment of the Panel members. During the meeting the members will elect, by a simple majority vote, a Chair of the Panel. The Panel will then determine whether the issue(s) presented by the Grievant are grievable under this Policy, including whether the grievance is valid or is a frivolous complaint.

At least five days prior to the Initial Meeting of the Panel, the Grievance Coordinator will provide members of the Panel with a copy of the Grievant's written complaint, and any other documents that are part of the grievance. At that time, members of the Grievance Hearing Panel may ask the Grievance Coordinator to obtain additional documents that it believes to have relevance to the meeting.

The Panel's decision will be based on a simple majority vote of its members.

If the Grievance Hearing Panel decides the issue is **not** grievable under this Policy, then the Chair will prepare a written report of the Panel's findings and forward it to the appropriate Grievance Coordinator. The report will generally be issued within five working days of the Initial Meeting. The Grievance Coordinator will then forward the report to the appropriate division executive(s) and/or dean(s) and to the Grievant and Respondent(s). At the same time, the Grievance Coordinator will inform the Grievant of his or her right to appeal this determination, as described below.

If the members determine the issue is grievable under this Policy, then the Chair will notify the Grievance Coordinator of this decision in writing. The Grievance Coordinator will notify the Grievant, Respondent(s), division executive(s) and/or dean(s) in writing of this decision and a separate meeting will be scheduled by the Grievance Hearing Panel for the purpose of hearing the grievance and issuing a report and recommendations.

Step Four: The Grievance Hearing

The scope of the Grievance Hearing is limited to the issue(s) identified in the Written Request for a Grievance Hearing.

The Chair of the Panel will schedule a date for the Grievance Hearing. The Grievance Hearing will generally be held within ten working days from the date the Hearing Panel issues its decision from the Initial Meeting. The Chair of the Hearing Panel will notify the

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Grievance Coordinator of the date of the Hearing and the Grievance Coordinator will notify all of the involved parties and witnesses in writing. This notification will generally be made at least seven working days prior to the date of the Hearing.

The Grievant and Respondent will be asked to submit to the Grievance Coordinator a list of no more than five witnesses each, and their current email address and telephone number, to speak on their behalf during the Grievance Hearing Panel meeting. This list must be given to the Grievance Coordinator at least five working days prior to the Hearing date. Generally, only witnesses whose names appear on this list will be permitted to participate in the Hearing. If extenuating circumstances exist, the Grievance Hearing Panel may elect to hear testimony from additional witnesses the Panel believes have pertinent information to provide. Members of the Grievance Hearing Panel may ask the Grievance Coordinator to obtain additional documents that it believes to have relevance to the Hearing. All documents and witness lists must be provided at least five working days prior to the date of Hearing.

Both the Grievant and Respondent may be accompanied at the hearing by a support person /advisor of choice (e.g., student, parent, faculty member, staff member, associate); however this person may not participate in the hearing or speak on his or her behalf. Potential witnesses, other than the Grievant and Respondent(s), must remain outside of the hearing room other than when they are required to testify.

Prior to the hearing, the Grievance Hearing Panel will establish an appropriate schedule for the proceedings. A typical schedule follows. Once the Hearing is begun, the Grievant will present an opening statement. The Panel may then question the Grievant. The Respondent will then present an opening statement. If there is more than one Respondent each may make an opening statement. After the opening statement of each Respondent, the Panel may question the Respondent(s).

After opening statements and questions have been completed, the Grievant may question each of the Grievant's witnesses. Following the Grievant's questioning, the Respondent may question each witness. The Panel may then question each witness.

After the Grievant has called all the Grievant's witnesses, each Respondent will have a chance to call his or her witnesses and ask questions of each witness. The Grievant may

then question the Respondent's witnesses. Following questioning by the Grievant, the Panel may question each witness.

The Panel may consider the written statement, made under oath, of a witness who cannot appear when the party seeking to use the statement has provided it to the Chair of the Panel at least five working days in advance of the Hearing date. A copy of this statement shall immediately be given to the other party. The other party will have the opportunity to respond in writing or verbally during the Grievance Hearing. If the reply is made in writing then the Chair of the Grievance Hearing Panel will distribute a copy of the reply to the opposing party and to all members of the Grievance Hearing Panel.

After each side has called all of its witnesses, the Grievant and Respondent(s) may each make a closing statement. The Chair will then briefly review the issue(s) for determination, then all parties except Hearing Panel members will be excused.

Members of the Panel will then meet, in private, to evaluate information presented. If during its deliberations the panel determines that additional information and/or witnesses should be considered it may reconvene the hearing at an appropriate time to do so.

The Grievant has the burden of proving by a preponderance of the evidence that the Grievant has been wronged.

The Hearing Panel's determination will be based upon a vote of a simple majority of the Panel.

Report of the Hearing Panel

The Panel's decision will be based on a simple majority vote of its members.

The Chair of the Grievance Hearing Panel or designee shall prepare a written report summarizing the Panel's findings as to whether the grievance has merit and will include recommendations on corrective action(s) to be taken, if any. The Chair's report will generally be given to the appropriate Grievance Coordinator within five working days of the conclusion of the hearing. If the Panel requires longer than five working days, the Chair of the Grievance Hearing Panel or

designee will notify the Grievance Coordinator, in writing, of the delay; the Grievance Coordinator will then notify the Grievant and the Respondent, in writing.

Upon receipt of the Hearing Panel's report, the Grievance Coordinator will provide a copy to the Respondent's division executive or dean. The division executive or dean will generally have five working days to review the report and issue a final written decision and corrective action report to the Grievance Coordinator. The Grievance Coordinator will transmit this final written decision to both the Grievant and Respondent within three working days of receipt. Upon issuance of the report, the Grievance Coordinator will also provide written notification to the parties of their appeal rights, if any. The Grievance Coordinator will also transmit the decision and any other relevant information to the Grievant's division executive or dean, the Respondent's division executive or dean, and the Chief Human Resources Officer.

If the determination is made that the grievance has merit, the University will take appropriate, corrective, and remedial actions. Such corrective actions may include, without limitation, any of the supportive measures identified in this Grievance Policy and may range up to expulsion, in the case of a student, and termination, in the case of an employee. The University may utilize progressive discipline where the University deems it appropriate to do so.

Appeal of the Grievance Hearing Panel Decision

A. Procedures for Appealing a Panel's Determination that an Issue is **not** Grievable.

If the Grievance Hearing Panel determines that the issue is **not** grievable under this Policy then the Grievant may appeal this decision to the University's President. The appeal must be made within ten working days of the date of the decision of the Grievance Hearing Panel, in accordance with the procedures below.

To appeal a Panel's determination that an issue is not grievable under this Policy, a Grievant must submit a written appeal request to his or her Grievance Coordinator. This written appeal request must state the Grievant's basis for appealing the Panel's determination. The Grievance Coordinator will then submit the appeal to the President who will notify the Grievance Coordinator in writing of his or her decision within ten working days of its receipt of the appeal. The Grievance Coordinator will notify the Grievant and Respondent of the decision in writing.

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The decision of the President is final. If the President reverses the Hearing Panel's determination, the grievance will proceed to a Grievance Hearing in accordance with the procedures described above.

B. Procedures for Appealing a Hearing Panel's Post-Hearing Determination on the Merits.

A Grievant or Respondent who disagrees with a decision issued following the Grievance Hearing may appeal the decision to the President. To appeal the decision, a party must submit a written request for appeal to the President within ten working days of the date of receiving the initial written decision. The written request for appeal must include a clear explanation of the party's basis for appealing the Panel's decision.

The President will thoroughly review the Grievance Hearing Panel's recommendations, along with any witness statements or other documents used during the hearing and the decision of the division executive or dean. After conducting this review, the President will furnish a written decision to the Grievance Coordinator within ten working days after receiving the written request for appeal. If the President's review of a case requires longer than ten days, then he or she will notify the Grievance Coordinator in writing of the delay who will notify the Grievant and Respondent in writing.

The President's decision regarding the appeal will be submitted to the Grievance Coordinator, who will notify the Grievant and Respondent, the Chief Human Resources Officer, members of the Hearing Panel, and appropriate members of management of the decision. The President's decision on the appeal is final at the institutional level.

XV. Conclusion

The University reiterates the positive nature of the grievance Procedures. These Procedures provide structures which should smooth and speed the resolution of University-related grievances and thus affirm the University's desire to treat each student and each employee fairly. The publication of this Policy and Procedure should guarantee access to the necessary information for the internal resolution of University-related grievances at Webster University.