I. SCOPE

This Grievance Policy ("Policy") applies to all staff members of the University, including both Exempt and Non-Exempt Staff Members (hereinafter collectively referred to as "employees"). This Policy does not apply to faculty members or to student workers. This Policy does not address Grievances involving allegations of discrimination, harassment, or sexual misconduct. Individuals with concerns involving discrimination, harassment, or sexual misconduct are directed to the University's Policy on Non-Discrimination and Non-Harassment and/or Policy Prohibiting Sexual Misconduct, Relationship Violence, and Stalking. See Section V below for the definitions of capitalized terms in this Policy.

II. POLICY STATEMENT

The purpose of this Policy is to provide University employees with a fair and efficient process to present and resolve Grievances arising out of the employment relationship. This Policy is applicable to employees only on an individual basis. The University encourages employees to address with their supervisors or managers workplace concerns as they arise.

Employees can file Grievances under this Policy for any of the following reasons:

- Health and safety
- Supervisor behavior
- Other changes in employee conditions

Some examples of instances to which this Policy can be applied are:

- Situations which create unsafe working conditions for the employee
- Perceived unfair treatment by a supervisor, manager, or co-worker
- Disputes over interpretation or application of University policies or procedures
This Policy does not apply to:

- Terminations of employment and employee discipline
- Reallocation of human and financial resources
- Complaints regarding wages and salary
- Performance review
- Expiration of temporary or externally funded grant positions
- Dismissals during the introductory period of employment

III. POLICY

A. INFORMAL GRIEVANCE

Regular and effective communication between supervisors or managers and employees reduces the likelihood of misunderstanding and conflict. The University expects and encourages supervisors or managers and employees to communicate openly and regularly so that the interests of all are best served. Individuals are encouraged to resolve Grievances on an informal basis whenever possible.

An employee with a Grievance (the “Grievant”) should first approach their supervisor or manager and request a private meeting to discuss the problem. This initial meeting should take place within five (5) working days of the date the Grievant raises the issue. Should this initial discussion prove unsatisfactory, or if the immediate supervisor or manager is such a part of the problem that the Grievant does not feel comfortable discussing it with them, the Grievant should attempt to have the matter resolved informally by the next level supervisor or manager. The supervisor or manager should correct the situation or provide an answer to explain the matter within five (5) working days from the date of the initial meeting.

All meetings held should be private. The supervisor or manager should maintain documentation of this meeting and consult with the Office of Human Resources as needed.

B. FORMAL GRIEVANCE

When a Grievance cannot be resolved informally, an employee may wish to use the Formal Grievance Process. An employee who wishes to pursue the Formal Grievance Process must initially attempt an Informal Grievance as described above and describe the outcome in the request for a Formal Grievance Process. Should circumstances make the Informal Grievance process impossible, this should be spelled out in the request for a Formal Grievance Process.

The employee desiring to pursue the Formal Grievance Process must present a written request to the Associate Vice President for Human Resources or their designee. The request must outline in detail the facts relevant to the problem; what action, if any, has taken place (including the attempt

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1 Non-U.S. based employees may have a grievance process available if local law requires.
at informal resolution); the reasons for requesting a Formal Grievance Process; and the relief requested. Such a request should be delivered within five (5) working days of the conclusion of the failed Informal Grievance. The Associate Vice President for Human Resources or their designee will schedule a meeting with the Grievant within ten (10) working days of receipt of the written request.

The meeting will be attended by the Grievant, who may bring an advisor of their choice; the responding party, who may also bring an advisor of their choice; and the Associate Vice President for Human Resources, or their designee. The role of the advisor is to provide support; the advisor may not speak on behalf of the employee or otherwise participate. The meeting may take place via teleconferencing to accommodate non-U.S. based staff of The College of Global Studies or employees who otherwise do not work on either the Glenside or Christiana campuses.

The Associate Vice President for Human Resources or their designee will hear the oral testimony of each side of the dispute, and receive such written evidence as either party may submit. Each side will be given adequate time to present its side. Witnesses may participate in the meeting at the sole discretion of the Associate Vice President for Human Resources or their designee. The Associate Vice President for Human Resources or their designee will then deliberate and arrive at a determination within ten (10) working days. The determination letter will include a written summary of the findings, the decision reached, and the follow-up actions to be taken.

C. APPEAL

Either party to the dispute may appeal the determination if:

- they claim that an error in procedure determined the outcome, or
- new evidence comes to light which might substantially alter the outcome, or
- they object to the ultimate remedial actions taken.

Such appeal may be made in writing to the Chief Financial Officer of the University or their designee within ten (10) working days of the decision. The appellate authority’s decision is final.

The extension of timeframes delineated in Section III of this Policy may be permitted for good cause shown.

IV. RETALIATION

No employee shall be discriminated against, retaliated against, or penalized in any way for exercising their rights under this Policy.

V. DEFINITIONS

A Grievance is a work-related complaint, problem, or concern of an employee regarding health and safety, supervisor behavior, or changes in employee conditions. Grievances cannot be filed with respect to: terminations of employment and employee discipline; reallocation of human and financial resources; complaints regarding wages and salary; performance review; expiration of temporary or externally funded grant positions; or performance-related dismissals during the
introductory period of employment. That said, non-U.S. based employees may have a grievance process available if local law requires.

A **Grievant** is a person who submits a Grievance for resolution through a grievance process.

A **Non-Exempt Staff Member** is defined under the [Fair Labor Standards Act](https://www.dol.gov/esa/eflsta.htm) as a Staff Member holding a position that is subject to the overtime provisions of the Act.

An **Exempt Staff Member** is defined under the [Fair Labor Standards Act](https://www.dol.gov/esa/eflsta.htm) as a Staff Member holding a bona fide executive, administrative, or professional position that is not subject to the overtime provisions of the Act.

**University** refers to Arcadia University, its colleges, schools, affiliates, divisions, and subsidiaries.

**VI. EFFECTIVE DATE**

This Policy is effective on the date that it is signed by the President.

**VII. SIGNATURE, TITLE AND DATE OF APPROVAL**

[Signature]

Ajay Nair, President

[Signature]

Date 10/11/19