Dispute Resolution Procedures for Administrative/Professional and Clerical/Service Staff Members

These operating procedures supplement the policy on Dispute Resolution for Administrative/Professional and Clerical/Service Staff Members (VI.D.1). Please refer to the policy for definitions and contact information.

Effective date: July 1, 2015

Purdue University encourages its employees to bring their complaints to the attention of their Supervisors. Employees and their Supervisors are expected to make every effort to resolve differences informally. Human Resources can be helpful in working with Supervisors and employees to resolve these situations. An informal discussion with the Supervisor is most often all that is required to reach a resolution. However, if the conflict persists, and it meets the definition of a Dispute as defined in the policy, employees are encouraged to use these procedures.

The Complainant may withdraw a Dispute submitted to the HR Director at any time by notifying his or her Supervisor and/or the HR Director. If the Complainant fails to comply with the time limits set forth below, the University may consider the Dispute withdrawn.

Time that the Complainant spends preparing for the dispute resolution process will not be considered as time worked, nor will it be in pay status. Time that a currently-employed staff member spends serving as an Advisor or a Witness, during the Dispute resolution process, will be considered as time worked in pay status. (Former employees are not in pay status.) Employees, Advisors and Witnesses (who are current employees) may consult with Human Resources in pay status.

Any individual needing a reasonable accommodation in order to participate in these procedures must notify Human Resources.

Initiating a Complaint

A. If the Complainant has been unable to resolve concerns through informal discussions with the Supervisor, and he/she believes the concern meets the definition of a Dispute, the Complainant may submit a written statement of Dispute, which includes the specific Relief Sought by the Complainant, delivered in person, via electronic mail or via U. S. mail, to the HR Director. The statement of Dispute must be received within 10 Workdays of the alleged wrongful act. The Complainant may include in the written request that his/her Dispute be reviewed only under Step 2 without utilizing Step 1.

B. Upon receiving the written Dispute, the HR Director will determine whether the written Dispute meets the definition of a Dispute and whether the time limits of these procedures have been followed. The HR Director will provide written notification within five (5) Workdays as follows:
i. If the Dispute meets the definition and is timely, the HR Director will assign an ADR Specialist to facilitate Step 1 and provide written notice to the Complainant and Supervisor that the Dispute meets the definition and is timely submitted. Included with this initial notice, the HR Director will provide the Supervisor with a copy of the written Dispute and will notify both parties regarding the appointment of an ADR Specialist.

ii. If the Dispute meets the definition and is timely, and the Complainant included in the written request that the Dispute be reviewed only under Step 2, the HR Director will provide written notice to the Complainant and Supervisor that the Dispute meets the definition and is timely submitted. Included with this initial notice, the HR Director will provide the Supervisor with a copy of the written Dispute.

iii. If the Dispute does not meet the definition and/or is not timely, the HR Director will provide written notice of this determination to the Complainant.

Step 1 – Informal Alternative Dispute Resolution (ADR)

A. Step 1 is voluntary. Either party to the Dispute may waive his/her right to participate in Step 1 at any point in the process by notifying the ADR Specialist in writing. To the greatest extent possible, the ADR Specialist will protect the privacy interests of the individuals who participate in Step 1. While every effort will be made to keep the matters discussed in the informal ADR process confidential, any request for confidentiality must be balanced with applicable legal reporting requirements, the risk of harm to any individual and the University's duty to maintain a safe work environment for all.

B. Step 1 is a process in which individuals strive to find mutually satisfactory management or resolution of their dispute. The ADR Specialist makes no judgment with respect to who is right or wrong. Rather, the ADR Specialist’s goal is to help parties understand each other’s shared interests and opposing views and develop solutions with the parties. If the participants are able to develop their own solutions to the conflict, the ADR Specialist will prepare a written summary, which will be signed and kept by each participant and by the ADR Specialist. If a resolution is not reached, or if either party chooses to end the Step 1 process, the ADR Specialist will prepare a written notice to the HR Director that Step 1 has concluded, with copies to both parties. Step 1 is generally completed within 20 Workdays of the HR Director’s notice to proceed.

Step 2 – Formal Review

A. If either party waives Step 1, Step 2 will commence directly in accordance with section C below.

B. If a Step 1 review was held and a mutually acceptable resolution was not found, the Complainant may proceed to Step 2 by notifying the HR Director in writing. Notification may be delivered in person, via electronic mail or via U. S. mail and must be received by the HR Director within five (5) Workdays of the conclusion of Step 1. No
new issues or complaints may be added. Any issues resolved during Step 1 will not be considered at Step 2. Upon receipt of this written request, the HR Director will determine whether it is timely. If the HR Director determines that the request is not timely, the Complainant will be so notified in writing within five (5) Workdays.

C. Upon commencing Step 2, the HR Director will permit the Supervisor to submit a written response to the statement of Dispute within five (5) Workdays. The HR Director will select potential Review Committee members as described in the next section of the procedures and will assign an HR staff member to advise the committee and coordinate the Step 2 process. The Review Committee will carry out the formal review within 20 Workdays of the committee members being named.

D. For the formal review, the Review Committee will consider all pertinent documentation as chosen and submitted by the Complainant and by the Supervisor and will conduct interviews with the Complainant, the Supervisor and any pertinent Witnesses. The use of recording devices will not be permitted during the Step 2 proceeding. The Step 2 proceeding will not be recorded or transcribed. Human Resources will provide administrative and advisory assistance to the Review Committee as needed.

E. Within 10 Workdays of completing the formal review, the committee will forward a written report of its findings and recommendations to the Vice President for Human Resources on the West Lafayette campus or to the Chancellor on a Regional Campus. Generally, the written report will be forwarded to the appropriate party within 10 Workdays of the conclusion of the formal review process.

F. After receiving the findings and recommendations of the committee, the Vice President for Human Resources or Chancellor will render a final decision in writing to the Complainant and the Supervisor/department. This will generally be accomplished within 10 Workdays of receipt of the Review Committee’s written report.

G. If the Dispute pertains to the actions of the Vice President for Human Resources or the respective Chancellor, the Review Committee will forward its written report directly to the President for a final decision.

H. The time limits set forth in these procedures may be changed by mutual consent of the Complainant and Supervisor or by the HR Director.

**Review Committee Selection**

A. The Review Committee for each Dispute reviewed under Step 2 will be created from a campus pool consisting of faculty, administrative/professional and clerical/service staffs that have completed the approved training program. Each member will serve for 3-year term with one-third of the members being replaced annually. Each campus will have its own committee pool.
B. If the Complainant requests a formal review and the complaint qualifies as a Dispute, three members from the pool will be selected by the HR Director. These members will be neutral, with no interest in the outcome. Both the Complainant and the Supervisor/department will have an opportunity to review and comment on the makeup of the committee.

Use of Advisors

The Complainant and Supervisor may each have one (1) person act as their Advisor during the process. The Advisor may accompany either party to any meeting or proceeding under these procedures. An Advisor may not stand in place of either the Complainant or the Supervisor, act as legal counsel for a party or otherwise participate in the meetings or proceedings under these procedures.

Freedom from Retaliation

A. Retaliation against any employee as a result of his or her participation in any role under these procedures is strictly prohibited. This prohibition of retaliation is applicable to members of management as well as to coworkers. An employee who believes that he or she has suffered any type of retaliation as a result of participation in these procedures should provide the HR Director with a written description of the events/facts and the names of individuals involved within 10 Workdays of the alleged retaliation. The HR Director or designee will promptly investigate these allegations. The HR Director will determine whether or not the retaliation is substantiated and will notify the employee in writing.

B. The HR Director will work with the appropriate vice president, dean or director to take appropriate disciplinary action against any employee who has engaged in retaliation. The HR Director will also take action to remedy the effects of the retaliatory act(s). A decision of the HR Director regarding retaliation may be appealed to the President’s designee, the Vice President for Human Resources or the Chancellor, as the case may be, within five (5) Workdays after the date of the decision letter.

Disputes of Job-Related Health and Safety Conditions

A. The HR Director may, at any time, refer disputes related to job health and safety conditions to the campus Radiological and Environmental Management (REM) office. The appropriate REM representative, upon receipt of the written statement of Dispute, will initiate an investigation within 24 hours.

B. After completing the investigation, the REM representative will make a determination for disposition of the case and report the findings and recommendations, in writing, to the Vice President for Human Resources or the Chancellor. The Vice President for Human Resources or Chancellor will then render a written decision to the parties involved, generally within 10 workdays of receipt of the findings and recommendations.

Records
Records made pursuant to these procedures will be kept and maintained as “Grievance files” pursuant to the University’s Records Retention Schedule.

History and Updates

July 1, 2015: As part of the revisions to the policy on Dispute Resolution for Administrative/Professional and Clerical/Service Staff Members (VI.D.1), these procedures were established as a separate document from the policy. Changes to the procedures include: 1) the use of an ADR Specialist in Step 1 to facilitate a resolution, 2) the elimination of hearings in both steps and 3) simplifying the process for selecting Review Committee members.