Non-Unionized Faculty Grievance Process

1. Background and Purpose

Dalhousie University ('Dalhousie') is committed to creating and maintaining workplaces that are respectful, fair and harmonious. Accessible procedures for academic staff to resolve disputes arising out of their employment or appointments at Dalhousie are required to support this commitment.

The Academic Staff Grievance Process ('Grievance Process') is designed to encourage dispute resolution at the interpersonal level. Where this type of resolution is not possible, the Grievance Process establishes an institutional mechanism for the pursuit of resolution. For non-unionized faculty, this process can be used to address disputes relating to any academic matter (e.g. academic freedom, teaching, research, etc.).

This grievance process falls under the jurisdiction and authority of the Dalhousie University Board of Governors and applies only to academic staff appointed under Dalhousie's Academic Appointments Policy who are not part of a union. Unionized academic staff are required to use the grievance process laid out in their collective agreement. Harassment and discrimination complaints may be made directly to Human Rights and Equity Services.

2. Definitions

i. **Facilitated Resolution Services –** at prescribed times throughout the Grievance Process, including at the Pre-Grievance Stage, the parties to a grievance may consent to conflict resolution services facilitated by a staff member from Human Resources or Human Rights and Equity Services.

ii. **Grievance** – any dispute arising between a Grievor and Dalhousie arising out of the Grievor's existing terms and conditions of employment or appointment with Dalhousie. A Grievance does not include a dispute arising out of a former employment or appointment relationship.

iii. **Grievor** – any person with active employment or an active appointment who is not eligible to access another established grievance process at Dalhousie University. Former employees and former appointees do not have standing to initiate a grievance under this process.

iv. **Interim Measures** – an action taken on a temporary basis to prevent or minimize harm.

v. **Memorandum of Resolution –** a detailed written description of the resolution of a Grievance. A Memorandum of Resolution shall formally document the full and final

resolution of the Grievance.

3. General Principles

i. The timelines in the grievance process may be extended with the agreement of both parties.

ii. It is the responsibility of the Grievor and the decision maker to identify any conflicts of interest:
   a) If a department head has a conflict of interest, the grievance will automatically move to the formal grievance stage to be adjudicated by the Dean.
   b) If a Dean has a conflict of interest, the grievance will automatically move to the Provost Review stage to be adjudicated by the Provost's panel.
   c) If the Provost has a conflict of interest, the grievance will remain at the Provost Review stage, but the President will serve as Chair of the Provost's panel.
   d) If the Assistant Vice-President of Human Resources has a conflict of interest, the grievance will remain at the Provost Review stage, but the Vice-President of Finance and Administration will serve on the Provost's Panel.
   e) If the Chair of Senate has a conflict of interest, the grievance will remain at the Provost Review stage, but another Senate Officer will serve on the Provost's Panel.

iii. Discussion under the grievance process shall be kept confidential, however, this does not prevent parties from seeking advice from Human Resources or legal representatives, or from consulting with their support person and/or medical and mental health resources.

iv. At any stage in the process, if there is risk of harm, the University may implement appropriate and reasonable interim measures.

4. Pre-Grievance Stage

i. Resolutions obtained through open, honest dialogue have the highest chance of leading to sustained change to relationships and work environments. Any party with a concern arising in or out of their employment or appointment with Dalhousie is encouraged (but not compelled) to first attempt to resolve the concern directly with the people concerned *within 30 business days of the event leading to the concern.*

i. If needed, parties may seek informal advice or assistance at this stage. Possible resources include:
   a) department or faculty-level Human Resources staff; and/or
   b) colleagues

iii. Pursuing resolution at the Pre-Grievance stage is strongly recommended, but it is not a required step before proceeding to the Informal Grievance stage.

5. Informal Grievance Stage

i. The goal of the Informal Grievance Stage is Grievance resolution.

ii. If a Grievor does not resolve the Grievance at the Pre-Grievance stage, they should request an Informal Grievance meeting with their Department Head within 10 business days of either:

a) the last occurrence of the matter giving rise to the grievance; or
b) becoming aware of the matter or its last occurrence; or
c) an unsuccessful attempt to resolve the matter at the Pre-Grievance stage.

The Department Head will make reasonable efforts to meet within ten (10) business days of receiving the request.

ii. More than one meeting may be required at the Informal Grievance Stage.

iv. The Grievor has the right to bring one or more support people to (an) Informal Grievance meeting(s). Possible support people include:

a) department or faculty-level Human Resources staff
b) legal representation
c) a colleague
d) a family member or friend

v. The Department Head has the right to be accompanied at (an) Informal Grievance meeting(s) by:

a) a Human Resources advisor
b) legal representation

vi. All parties shall be informed of the meeting attendees at least two (2) business days before the meeting is scheduled to occur.

vii. At the Informal Grievance meeting(s), the parties will discuss the facts that give rise to the workplace issue. Together the parties may agree that:

A. The Grievance is Resolved

i. If the Grievance is resolved at the Informal Stage, the Department Head will prepare a written Memorandum of Resolution and send it to the Grievor within seven business days of the last Informal Grievance meeting.

ii. The Grievor will have fourteen business days from the date that Memorandum of Resolution is sent by the Department Head to notify the Department Head of any desired edits to the Memorandum of Resolution. Once wording is finalized by the Department Head or if no edits are requested the Memorandum of Resolution will formally document the full and final resolution of the Grievance.

OR

B. Facilitated Resolution Services will be Sought

i. If the Grievor and the Department Head are not able to resolve the Grievance at the

Informal Stage, and only with the consent of both the Grievor and the Department Head, the parties may seek Facilitated Resolution Services

ii. If Facilitated Resolution Services are engaged, the Grievance will remain at the Informal Grievance Stage.

iii. If Facilitated Resolution Services are successful in resolving the Grievance, a Memorandum of Resolution will be prepared, and the Department Head will send it to the Grievor within seven business days of the conclusion of Facilitated Resolution Services.

iv. The Grievor will have fourteen business days from the date that Memorandum of Resolution is sent by the Department Head to notify the Department Head of any desired edits to the Memorandum of Resolution. Once wording is finalized by the Department Head or if no edits are requested the Memorandum of Resolution will formally document the full and final resolution of the Grievance.

OR

C. Informal Grievance Decision

i. If the Grievance is not resolved and if Facilitated Resolution Services are not engaged or are unsuccessful, the Department Head shall communicate a decision on the Informal Grievance to the Grievor in writing within fourteen business days of the last Informal Grievance meeting or the last date the Facilitated Resolution Services were deemed unsuccessful in resolving the grievance, as applicable.

6. Formal Grievance Stage

i. If resolution is not achieved at the conclusion of the Informal stage then the Grievor has fourteen business days from the date of the Department Head's decision to request a Formal Grievance meeting with the Dean or the Dean's delegate ('Dean'). The Dean will make reasonable efforts to meet within ten (10) business days of receiving the request.

ii. The goal of the Formal Grievance Stage is Grievance resolution.

iii. The Grievor has the right to bring one or more support people with them to a Formal Grievance meeting. Possible support people include:
   a) department or faculty-level Human Resources staff
   b) legal representation
   c) a colleague
   d) a family member or friend

iv. The Dean has the right to be accompanied at a Formal Grievance meeting. by:

a) a Human Resources advisor
b) legal representation

v. All parties shall be informed of the meeting attendees at least two (2) business days before the meeting is scheduled to occur.

vi. At the Formal Grievance meeting, the Grievor shall present the Grievance both orally and in writing. Together, the parties may decide that:

A. The Grievance is Resolved

i. If the Grievance is resolved at the Formal Stage, the Dean will prepare a written Memorandum of Resolution and send it to the Grievor within seven business days of the last Formal Grievance meeting.

ii. The Grievor will have fourteen business days from the date that Memorandum of Resolution is sent by the Dean to notify the Dean of any desired edits to the Memorandum of Resolution. Once wording is finalized by the Dean or if no edits are requested the Memorandum of Resolution will formally document the full and final resolution of the Grievance.

OR

B. Facilitated Resolution Services will be Sought

i. If the Grievor and the Dean are not able to resolve the Grievance at the Formal Stage, and only with the consent of both the Grievor and the Department Head, the parties may seek Facilitated Resolution Services.

ii. Engaging Facilitated Resolution Services shall be without prejudice to time limits in the Grievance Procedure.

iii. If Facilitated Resolution Services are successful in resolving the Grievance, a Memorandum of Resolution will be prepared, and the Dean will send it to the Grievor within seven business days of the conclusion of Facilitated Resolution Services.

iv. The Grievor will have fourteen business days from the date that Memorandum of Resolution is sent by the Dean to notify the Dean of any desired edits to the Memorandum of Resolution. Once wording is finalized or if no edits are requested the Memorandum of Resolution will formally document the full and final resolution of the Grievance.

OR

C. Formal Grievance Decision

i. If the Grievance is not resolved and if Facilitated Resolution Services are not engaged or

are unsuccessful, the Dean shall communicate a decision on the Formal Grievance to the Grievor in writing within fourteen business days of the last Formal Grievance meeting or the last date the Facilitated Resolution Services were deemed unsuccessful in resolving the grievance, as applicable.

vii. If necessary, the Dean may implement appropriate and reasonable interim measures.

7. Provost Panel Review

i. The Grievor has twenty (20) business days from the date of the Dean's decision to write to the Provost to request review of the Dean's decision.

ii. Within 30 business days of the request for Provost Review, the Provost will convene the Provost Panel. The Provost Panel will be chaired by the Provost. Other members of the Panel shall be:

a) the Chair of Senate;
b) one faculty member, chosen from the University Tenure and Promotions Panel; and
c) the Assistant Vice-President of Human Resources

iii. The Provost Panel will meet with the Grievor. At this meeting, the Grievor shall present orally and in writing to the Panel on the substance of the Grievance, the Grievance process and the Dean's decision. The Grievor shall request specific relief.

iv. The Grievor has the right to bring a witness or support person with them to the Provost Panel meeting. Possible support people include:

a) department or faculty-level Human Resources staff
b) legal representation
c) a colleague
d) a family member or friend

vi. The Provost Panel may interview or request documentation from relevant parties and may consult with other advisors in the course of the Provost Panel Review, including Human Resources advisors and legal representation.

vii. The Provost Panel shall have the right to make a final decision on the merits of the Grievance and shall have the right to substitute a final decision for the earlier decision of the Dean.

viii. The Provost Panel shall issue a final decision on the Grievance in writing to the Grievor within 30 business days of the last Provost Review meeting.

ix. The Provost Panel's decision on the Grievance shall be by majority. The decision is final and shall not be subject to further University appeal or review processes.