

THE DREAM PROGRAM, INC.

Grievance Procedure for Staff and Mentors

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GRIEVANCE PROCEDURES FOR STAFF AND MENTORS

The DREAM Program, Inc.

The Grievance Procedure for Staff and Mentors of the DREAM Program, Inc. outlines general provisions and procedural steps for handling most grievances involving staff and mentors. According to DREAM's Executive Limitations Policy (EL 2.8), "The ED shall not fail to provide for a fair and thorough review of any staff (mentor) grievance by means of a known procedure which will be used without bias, and shall not fail to provide the staff member involved with an explanation of a management decision of any grievance upon proper request." The attached Grievance Handling Checklist provides a list of actions and considerations that should be used when a grievance is presented.

All conflicts should be dealt with in a patient, sensitive, and dignified manner.

Definition

A grievance is any complaint from an individual employee or mentor or groups of employees or mentors alleging a violation of the terms of a DREAM policy or workplace agreement. A grievance does not include an alleged violation of the DREAM office contract as it relates to how staff of the Central Office will interact with one another. It does include issues such as discrimination, unwarranted termination, unwarranted disciplinary actions, and violations of an employee or mentor's confidentiality.

Introduction

This procedure is intended to provide a mechanism through which grievances can be fully investigated and decisions rendered. It covers grievances that involve individual staff and mentors of the DREAM Program on issues relating to their work and services in DREAM.

It is expected that most grievances will take the form of alleged violations of the written policies and procedures of DREAM. However, these procedures should also recognize "grievances" as a broader range of more subtle and sensitive matters having to do with such issues as perceived discrimination, mistreatment, etc. These kinds of issues often involve unwritten expectations, expectations that must be dealt with in a patient and sensitive manner that respects the dignity of all participants.

It is not the intent of DREAM to cover Sexual Harassment complaints with this procedure. Sexual harassment of either a staff to staff, staff to mentor, mentor to mentor will be handled utilizing DREAM's Sexual Harassment Policy. A complaint of inappropriate mentor to child sexual harassment or possible child abuse will be handled utilizing DREAM's Child Abuse procedures.

Procedural Steps

1. ***Speak Directly to the Source of the Grievance;*** Whenever possible, the aggrieved shall first speak directly to the person(s) who is the alleged cause of the complaint, or who bears responsibility for the cause.
2. ***Contact the Executive Director (ED);*** If a satisfactory resolution is not reached; the aggrieved may file a grievance by either sending a letter describing the issue to the Executive Director (ED) of DREAM or by requesting a meeting with the ED to file the complaint. This letter should be dated and filed as soon as possible after the event giving rise to the grievance. The grievance should be filed within four months of the occurrence of the event.

After notification, the ED shall meet with both parties and discuss the issue in as informal a manner as possible. The ED may also consult with current DREAM staff members not directly involved in the grievance on the situation.

Within 20 working days of having received the original letter or after the initial meeting with the person filing the grievance, the ED shall provide a written response recommending a resolution to the problem. The recommended resolution must be consistent with DREAM policies. The DREAM Board of Directors will be informed of the grievance during the first meeting of the Board following the initial complaint. The ED shall provide the Board with a copy of the letter of resolution. The Board will act as the oversight body of this Grievance Procedure.

If the ED is the source of the grievance, the complaint should be directed, in writing, to the Chair of the DREAM Board of Directors. In this situation the Chair of the Board will proceed with the above process acting as the ED. Again, the entire Board will be notified of the grievance in a timely manner.

3. ***Bring the Grievance to Board of Directors;*** If one of the parties is not satisfied with the resolution at Step 2, the complaint should be directed to the DREAM Board of Directors in writing. If the resolution was provided by the Board Chair, this letter should be addressed to the entire Board. The party not satisfied with the resolution will have ten days within receiving the resolution to do this. Upon receiving such notification, the Board, shall meet with both parties to discuss the issue. The Board may request that others be present to help them arrive at a fair and informed decision (as, for example, in a case where the grievance involves specialized expertise in a field).

Within 20 working days of having received notification, the Board shall issue a decision. It is recognized that under extraordinary circumstances this deadline may not be met; then all parties should be notified of the delay and provided with a date that they can expect the decision to be made.

General Provisions

- a. Since most of the issues of grievance that arise in staff and mentor relations involve matters of personal sensitivity, they need to be resolved amicably and with a minimum of legalistic maneuvering.
- b. Both parties in a grievance shall have the right to be present at each meeting outlined in the procedure and to bring along a friend or other witness should there be a need to have information from an outside party.
- c. Both parties shall have the right to all information or documents that may be used during the grievance process. For example a mentor being removed from the program will be provided with all existing documentation that was utilized to reach this decision (background check, driver's check, etc.)
- d. The staff or mentor shall suffer no reprisals or harassment for using the grievance procedure.
- e. If several staff or mentors share a common grievance, they may file a grievance jointly and pursue it according to the above procedure.
- f. No decision will be construed as setting a precedent for any subsequent decision.

Time Limits and the Role of the DREAM Board of Directors

Oversight of the smooth functioning of this grievance procedure shall be the responsibility of the DREAM Board of Directors. Upon receiving the letter described in Step 2, the Board shall create a file to contain a clear record of the progress of the procedure and other documents, as she/he shall deem warranted. The Board shall monitor the time limits described above, as follows:

- The date at which the grievance is considered filed shall be the date the grievance is received by the addressee.
- If the aggrieved fails to respond to a decision within the time limit described herein, then the issue will be presumed settled and the grievance will be closed.

Romantic and Sexual Relationships between Students and Persons in Authority

DREAM recognizes that romantic and sexual relationships can lead to possible grievances and harassment charges and therefore, find it important to define the DREAM policy on romantic and sexual relationships between mentors and staff within this grievance procedure. The relationships between mentors and staff in DREAM, and others holding positions of authority over them must be conducted

in a manner that avoids potential conflicts of interest, exploitation, or personal bias. Given the inherent power differential, the possibility of intentional or unintentional abuse of that power should always be borne in mind. For example, a conflict of interest arises when an individual evaluates the work or performance of a person with whom he or she is engaged in a romantic or sexual relationship.

Romantic or sexual relationships between mentors and DREAM staff members compromise the relationship between the mentor and the DREAM Program. No staff member should simultaneously be romantically or sexually involved with a mentor whom he or she trains, advises, or supervises in any way. Individuals in DREAM must not allow these relationships to develop or continue.

Recognizing that former mentors often become DREAM staff members upon graduation from college, the Executive Director in consultation with DREAM staff, may exempt relationships that existed prior to the staff member's employment with DREAM from this policy. In this case, the staff member will be prevented from being in a position to supervise or train the mentor.

GRIEVANCE HANDLING CHECKLIST

1. Get full information about the grievance from the complainant.

(Do you understand the problem and how the complainant would like to see it resolved?)

- Ensure you have a quiet place to meet with the complainant and have enough time*
- Check on urgency/level of distress/deal with any immediate safety issues*
- Explain your role, the Policy and the Procedures clearly*
- Explain the concepts of procedural fairness and confidentiality*
- Try to let them present their issues without prejudging or commenting*
- Ask for any supporting evidence, eg people they spoke to about the matter, diary notes or emails sent, witnesses to events, etc*
- Find out what they think will fix the problem (you may need to assist them set this in a realistic context)*
- Give them an indication of whether or not what they have said could be discrimination or harassment*
- Provide advice about the range of options that might be available- eg, they deal with this themselves, you handle it, it is referred on....*
- Explain what will happen next. If this continues as a grievance according to the DREAM Grievance Procedure then explain what the next steps will be*
- Let them know who you need to talk to (eg discuss the matter with other staff, the other party, and the Board) and when you will get back in touch with them.*
- Explain what records you will keep and what you will do with them*
- Remind them, and any support people present, about the need for confidentiality. Explain that they should not talk to others about this while you are looking into the matter.*
- Check if they need additional support (emotional support, counseling, etc.)*
- Make notes about the important details from the meeting, e.g. diary or file notes.*

2. Check that you are the appropriate person to deal with the matter.

(Are you too close to the issue? Will you be seen as biased? Do you have the authority to handle this? Is it too serious for resolution at this level?)

- Discuss with the Board if in doubt*
- If you are **not the appropriate person**, refer the complainant to the Board of Directors*

- ❑ *Don't let the matter get lost once referred on - follow up with the complainant to advise them that the Board will take on this matter*

3. Gather any further information you need

(Do you need more information to: a) get a better idea of whether the alleged discrimination or harassment happened or didn't happen and b) determine what action to take?)

Talk to the other party involved;

- ❑ *Prepare for this interview, for example if the matter might end in disciplinary action you will need to ensure appropriate tone and process throughout*
- ❑ *Provide the other party with the opportunity to bring a support person with them*
- ❑ *Explain purpose of this meeting (to tell them about the concerns raised, to hear their side of the story, to try to resolve it as fairly and quickly as possible). Explain how the grievance procedure works and reassure them that they have not been prejudged. Tell them about the range of outcomes possible under the procedures.*
- ❑ *Tell them exactly what they are supposed to have done, to whom and explain why this may be seen as discrimination/harassment or as inappropriate.*
- ❑ *Reassure them that you will be acting impartially and that your hope is to resolve the matter if possible*
- ❑ *Listen to their side of the story - clarify and check that you have understood*
- ❑ *Find out what they think will fix the problem*
- ❑ *Remind them and any support people present, about the need for confidentiality and that they must not victimize or hassle the complainant or others involved*
- ❑ *Provide information on support available*
- ❑ *Explain what you will do next (talk to complainant again, gather more information, try to conciliate etc)and when you will next be in contact with them*
- ❑ *Explain what records you will keep and what you will do with them. Note down important details from meeting.*

4. Gather any additional information you need

- ❑ *Consult with other staff members when appropriate*
- ❑ *Check letters, emails etc where relevant*
- ❑ *You may need to check with witnesses.*

5. Decide how the complaint could be resolved.

In making a decision you will need to consider: a) how serious the allegations are; b) whether the ‘facts’ presented by the two sides are similar (i.e. that both agree that x, y and z did happen, even if the interpretation of what happened differs) and c) if you have enough evidence to determine that one interpretation of what happened is more credible than the other.

- *Then you will be able to decide whether you should:*
 - ★ *Try to resolve the matter through conciliation (Conciliation is appropriate in situations where: the basic facts are not in dispute but the matter is about differences in interpretation about what happened; or there was inappropriate behavior or distressing behavior and one side is willing to apologize; or where both sides want to resolve it in a low key manner)*
 - ★ *Resolve it through a management decision (e.g., if you found a non-disciplinary offence did occur, you may be able to counsel the offender; if you could not determine what happened you might warn one or both sides of what the outcome would have been if either side could have been proven; if it was not possible for the parties to resolve it you may need to impose a workable solution and then make clear your expectations about future interaction between the two)*
 - ★ *Refer the individuals or the case to the Board if you are unable to resolve it.*
- *You may like to check with other Staff and the Board before making a final decision.*

6. Act on your decision

- *Inform the complainant and respondent separately giving clear reasons for your decision*
- *Tell them of internal and external avenues of appeal if they are not happy with your decision*
- *Discuss your expectations about standards of professional behavior now required (e.g., no victimization or harassment, appropriate interactions)*

7. Monitor the situation after the resolution has been decided upon and implemented to ensure there is no repeat of unacceptable behavior, nor victimization or ongoing workplace stress

8. Complete your paperwork

- *File all of the gathered information, the meetings notes and diaries you took, and the final resolution in the “Grievance Files”*
- *Share the final resolution in writing with the Board*
- *Ensure all your notes are stored confidentially*