

GRIEVANCE PROCEDURE FOR MTSA EMPLOYEES

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The following grievance procedure is available to all MTSA employees who believe that their treatment at MTSA has not been accordance with written policies of the School or its representatives. This procedure is also one of the methods by which concerns of sexual misconduct or harassment on account of race, color, sex, age, sexual orientation, ethnicity or disability may be presented to the School.

- **Membership of the Grievance Committee:** The membership of the Grievance Committee shall consist of the following members:
 1. Chair, appointed by the President's Council.
 2. MTSA President and Executive President.
 3. Two faculty members and/or one salaried staff approved by the Executive Committee of the BOT.
 4. One alternate faculty member and/or salaried staff approved by the Executive Committee of the BOT.
 5. The Vice President for Finance and Administration in his function as Human Resource Director of the School, shall be an ex officio member of the committee.
 6. The Administrative Assistant to the President will be the non-voting secretary of the Grievance Committee.
 7. The School appointed attorney may be requested to attend any or all of the Grievance Committee meetings and will be an ex officio member.

The Grievance Committee shall be empowered to replace such members as may excuse themselves from involvement in a particular grievance due to any conflict of interest, up to a maximum of one from each category (faculty, salaried staff). In selecting replacement members, the committee shall avoid choosing individuals with any known reason for bias regarding the case at hand. In no case shall the committee function with fewer than five members, specifically including the chair. The President's Council will avoid electing a chair for the committee with any direct or potential conflict of interest.

Upon appointment or election, each committee member must sign a confidentiality statement. The signing of such a statement shall be understood to preclude discussion of the case outside of committee meetings, except as individual members of the committee may be directed to conduct necessary investigations. As a precaution, all personal notes taken during the meetings are to be left in the custody of the secretary of the committee between meetings.

At the initiation of the grievance process, all pertinent materials, including the written grievance, written responses to the grievance complaint, committee members' personal notes, and records of committee procedures and actions shall be kept in the grievant's personnel file in the Office of Human Resources for no less than three years after the conclusion of the grievance process or for the duration of employment. The file containing these materials shall be sealed and shall have the name of the grievant and of the individual who chaired the committee through the process on the outside of the envelope.

- **Jurisdiction:** The Grievance Committee shall have jurisdiction over matters including, but not limited to age, race, gender discrimination, color, national origin, handicap/disability, harassment, sexual misconduct, termination of employment, and non-renewal of employment agreement.

In no case shall a grievance petition be entertained by the Grievance Committee, until appropriate lesser forms of redress have been thoroughly explored, as follows:

1. The grievant may discuss directly with the respondent the allegations of the grievance and work with the respondent to resolve any concerns.
2. If the action suggested in paragraph 1 is unsuccessful, ill-advised, or otherwise inappropriate, the grievant is encouraged to first discuss his/her concerns with their direct supervisor who is responsible for taking appropriate action. If the grievance directly involves the supervisor, the grievant may go to the President, Executive Vice President, or the Director of Human Resources. If a grievance directly involves the President, Executive Vice President, or another Vice President, the grievant should bring the matter to the attention of the School attorney.
3. If there is no mutually satisfactory resolution at an earlier stage, or if the grievant does not wish to bring the matter directly to their immediate supervisor, the grievant must make a written request to the President's Council to form the Grievance Committee and to name a Chair.
4. If the matter is informally resolved at any point after the Grievance Committee has become involved, the grievant shall send written notice to the Grievance Committee that no further School action is needed or desired. In such event, the chair of the Grievance Committee shall place records pertaining to the grievance and its informal resolution in the Office of Human Resources, to be kept unsealed for a minimum of three years.
5. If the grievance is not resolved by any of the means described above, the grievant shall fill a written grievance with the Grievance Committee after termination of the informal process. Should the chair be temporarily unavailable, the grievance shall be presented to the President's Council of the School. The written grievance should include a clear description of the problem, a description of efforts at reconciliation already undertaken, supporting evidence and documentation, and a statement of the remedy, or remedies, sought by the grievant.

The President's Council shall, within eight (8) working days (M-Th) of receiving a written grievance, appoint a chair of the Grievance Committee. The Grievance Committee shall meet within 20 working days (M-Th) from the time the written grievance was delivered to the President's Council. At the first session of the Grievance Committee, the committee shall make an initial determination concerning the following:

1. Whether a prima facie grievance, in fact, exists.
2. Whether all lesser avenues of remedy have been appropriately explored.
3. Whether additional written documentation or information is needed.
4. Whether any persons not on the committee will be requested to attend future meetings.

If the Grievance Committee determines that a prima facie grievance does not exist, it shall notify the President and the School appointed attorney, in writing, of that determination. The written letter shall also specify the reasons that the committee reached that determination. The President will notify the grievant of that decision.

If the committee's determination favors the School, the President shall be free to implement the decision of the committee and shall notify the grievant in writing within four (4) working days (M-Th) of receiving the committee's report. If the committee's determination favors the grievant, the President shall meet with the grievant within four (4) working days (M-Th) and present in writing, the vote of the committee. This act shall mark the conclusion of the grievance procedure, at which point the School avenues of appeal shall be deemed to have been exhausted.

- **Time Limitations:** In no instance will a complaint made by a faculty or staff member receive consideration initiated later than one year of the occurrence.

MTSA, in compliance with the Violence Against Women Reauthorization Act, educates the students, faculty and staff of the dangers of violent acts.

MTSA is a Christian school committed to upholding standards which promote respect and human dignity. Sexual crimes, in any form, severely violate the trust and respect essential to the preservation of a Christian environment and directly threaten the safety and well-being of community members. MTSA will not tolerate acts of dating violence, domestic violence, sexual assault, or stalking committed by or against any member of the community. If any acts of dating violence, domestic violence, sexual assault, or stalking are reported or committed, MTSA assures a swift response to an accusation while providing assistance to the alleged victim of such an offense. Definitions for these crimes, consent, and bystander intervention are listed in Appendix B as defined by the Clery Act. Steps will be taken to keep the parties involved as separated as possible (i.e. different clinical sites).

Please refer to page 10 of the Annual Security Report for more information.