

POLICY:  <b>Employee Dispute Resolution Policy</b>		POLICY NUMBER:  <b>AM-021-A1</b>
		PREVIOUS/REPLACES:  <b>Updated September 26, 2022</b>
APPROVED BY:  <b>Executive Committee</b>	EFFECTIVE DATE AS OF:  <b>October 1, 2022</b>	PRIOR VERSIONS:  <b>November 1, 2021</b>

## 1 Policy Statement

The College wishes to resolve any complaints against any of its policies, actions or an individual as expeditiously and fairly as possible. Employees are encouraged to informally resolve any complaints between parties, if feasible, before involving a supervisor or manager. If complaints cannot be resolved informally, the dispute will be resolved formally following progressive steps as set forth in the section below.

## 2. Scope

This policy applies to all employees of Herzing College.

## 3. Policy Content

Concerns/complaints (hereinafter referred to as “complaints”) raised by an employee (hereinafter referred to as “the complainant”) are to be resolved in the following manner:

1. The complainant is to discuss the complaint with the immediate supervisor. Supervisors must maintain an open-access policy where staff feel that they can speak to their supervisor whenever the need arises without having to schedule a formal meeting.
  - a. Where possible, the supervisor should meet with the employee when the request is made. When this is not possible, the meeting must take place before the end of the business day.
  - b. If the complaint is against an individual (hereinafter referred to as “the accused”), the supervisor should speak with the accused and attempt to resolve the complaint between the individuals.
2. If the complaint cannot be resolved with the immediate supervisor to the satisfaction of the complainant, the complaint should be put in writing as an appeal to the Campus President. In addition, any accused are to receive a copy of the complaint from the Campus President.
  - a. In the event that the complaint is against the Campus President of campuses other than Toronto, that complaint should go to the Chief Operations Officer (COO).
  - b. If the complaint is against the Toronto College Campus President, the complaint should go to the Chairperson of the Board of Governors.

3. The person receiving the complaint (hereinafter referred to as “the reviewer”) is to investigate the complaint. If the issue of the complaint is not a matter of policy or an action of the College, but a complaint against an individual, the reviewer is to interview anyone involved in the complaint including the accused and any witnesses, as well as conduct a review of any physical evidence. The reviewer shall write a brief report of their findings within two weeks unless more time is required and provide the report to the complainant and the accused.

If the complaint is a matter of policy or an action of the College, the reviewer is to provide a written answer within five business days.

4. If the appeal to the Campus President was not satisfactory to the complainant and/or the accused, either individual can make a further appeal to the COO.

The appeal must include a copy of the written complaint made to the Campus President, a report by the Campus President, an explanation as to why the initial attempt at resolution is unsatisfactory to the complainant or the accused, and what is the desired outcome.

When the COO receives a complaint already reviewed by the Campus President, the COO should examine the materials that have been provided and, to the extent needed, ask for further information from the complainant, accused, witnesses, and the Campus President. They will decide the issue within two weeks, or report why more time is needed, and provide a response in writing to all parties.

5. If the complaint received by the COO involves the treatment of the employee, particularly if there is, or could be, an assertion of any kind of prejudice, harassment or maltreatment, the COO will conduct an investigation with direction and support from legal counsel. The COO will interview all parties involved as well as any witnesses, review any evidence and make all reasonable efforts to conclude the investigation within two weeks of receiving the complaint.

The COO will then prepare a brief report of findings and recommended resolution or action by the College. The written report will be provided to the complainant and the accused as appropriate.

- a. If the report concludes that the accused has participated in any level of prejudice, harassment or maltreatment, the resolution of the complaint may involve a warning, progressive discipline, or the termination of the accused’s employment. In severe cases, the parties will be separated to the extent possible, or the accused may be put on paid administrative leave while the investigation is performed.
6. Appeals – Any appeal of a decision must be made within 30 days of the decision being appealed. All appeals are to be made to the COO or the Herzing College System President. All Appeal Panel meetings will be held no sooner than 7 days of the appeal nor more than 14 days of the appeal.

**a. Employees Other than Campus Presidents or Corporate Officers.**

An Appeal Panel will be formed and will consist of:

- The College System President
- A campus department head
- A faculty member from the campus

**b. Campus Presidents and Officers:** If a disciplinary action is taken against a Campus President or a corporate officer, such person may appeal to the Board of Directors of the corporation, except for the Campus President of the Toronto Campus. Such person must appeal to the Board of Governors for the Toronto campus.

The Board of Directors of the Corporation, or the Board of Governors of the Toronto Campus as the case may be, will establish an Appeal Panel of three individuals from Board members and senior managers who have not been involved in the situation leading to the disciplinary action or the decision of the disciplinary action, as required.

**c. Appeal Process:** The individual may initiate the appeal by sending an email to the College System President or COO stating the individual wishes to appeal the decision or action. The employee making the appeal may make a presentation or provide other evidence as to why the decision being appealed was wrong or inappropriate. The appeal meeting may be virtual if convenient for the participants.

If the employee intends to bring a representative to the meeting, the panel is to be informed three days in advance of the meeting including the relationship of the representative to the employee.

The Appeal Panel will make its decision within three days of the panel meeting and inform the employee in writing. The decision of the Appeal Panel will be final.

7. The complaint must be consistent as it passes through a review and/or appeal process. If substantive elements of the complaint change, the complaint should again attempt to be resolved at the lowest level or, if between two individuals, between those individuals and their supervisor.
8. All actions taken by Herzing College will comply with all provincial and federal regulations.

## 4. Administration

Administered by the Campus President, the COO, and/or the Herzing College System President as indicated.

## 5. Review

This policy will be reviewed as required by the Executive Committee in 2025.