Problem Solving
(Applies to administrative and professional staff represented by the Administrative and Professional Staff Association.)

2. General Policy Statement

The University recognizes that there may be occasions where an employee encounters circumstances he/she considers unjust or injurious and grounds for concern. The University believes every employee has the right to prompt and just resolution of job related complaints and grievances. The University encourages staff members to use both informal and formal processes of discussion to resolve problems.

3. Definitions

3.01 Continuing Employee - an employee with an appointment with no end date.

3.02 Full-time Employee - a continuing or a temporary employee appointed to work seventy-two (72) hours bi-weekly on a regular basis.

3.03 Part-time Employee - a continuing or a temporary employee appointed to work less than seventy-two (72) hours bi-weekly on a regular basis.

3.04 APSA - the Simon Fraser University Administrative and Professional Staff Association.

3.05 Association Group - all administrative and professional staff employed by the University except those excluded from APSA.

3.06 Complaint - a dissatisfaction with University policies, regulations, practices or working conditions. Complaints may be initiated at any time.

3.07 Grievance - a claim of an incorrect, unfair or discriminatory application of a University policy or regulation. A grievance may also involve a disciplinary matter. Grievances must be initiated within fifteen (15) days of the incident giving rise to the grievance or the date the employee should reasonably have been aware of the incident.

3.08 Joint Grievance Committee - reviews grievances at Step 3 of the Grievance Procedure and makes a recommendation for the settlement of the grievance to the President. The University and the Administrative and Professional Staff Association shall each maintain three (3) members on this committee.

3.09 Arbitration Board - a three member Arbitration Board considers disciplinary dismissals, that have already been reviewed by the President, at the request of the employee who has initiated the grievance. An Arbitration Board will consist of one employee nominee and one University nominee and a Chairman chosen by the nominees. The Board shall have authority under the Arbitration Act and will be limited to reviewing whether the President has exercised reasonable judgement in formulating his/her decision.

4. Eligibility

Continuing full-time and part-time employees.
5. Procedure

5.01 Complaint

A complaint may be raised at any time but staff are encouraged to initiate a review of their concerns as soon as reasonably possible after the event. Employees should attempt to resolve complaints by following the normal line of communication within the departmental, faculty and Vice-Presidential area.

All attempts should be made at each level to satisfy the concerns of the employee, but in any event, a staff member should not be restricted in any way from raising an issue to the next level within the organization. The President will be the final avenue of appeal in any matter of complaint.

5.02 Grievance

Step 1

An employee with a grievance shall first attempt to resolve the matter through the normal line of supervision within the Administrative and Professional Staff Association group. The time limit for Step 1 is five (5) working days.

Step 2

If no resolution has been found, the employee may no later than five (5) working days after the time provided in Step 1 raise the matter formally by putting the grievance in writing to the first level of management outside the Administrative and Professional Staff Association group. The written statement must summarize the grievance and describe how the policy or regulation is alleged to be violated and the remedy suggested. Copies of the grievance statement must be sent to the Director of Personnel and the other levels of supervision involved previously. A written response to the grievance will be given to the employee within five (5) working days.

Note: If the next level of management after the Step 1 level grievance is the Vice-President or the President level, then Step 2 will be omitted and the matter must be submitted in writing to Step 3, within five (5) working days after the completion of Step 1.

Step 3 - Joint Grievance Committee

If no resolution has been found, the employee may, no later than five (5) days after receipt of the written response from the preceding step, direct the grievance to the Director of Personnel for review by a Joint Grievance Committee. The University and the Administrative and Professional Staff Association shall each maintain three (3) members on this Committee.

The Committee shall within fifteen (15) days of the grievance being referred conduct such reviews as deemed necessary and make a recommendation for settlement of the grievance. The recommendation, either majority or minority reports, shall be sent to the President of the University with a copy to the Executive Director, Human Resources.

Step 4

The President shall within fifteen (15) working days of receipt of the recommendation of the Joint Grievance Committee make a decision and communicate to all parties in question. The President's decision on all such matters except for dismissal will be final and binding. Upon the request of either the grievor or the Dean or Director, the President will release the recommendation of the Joint Grievance Committee.

Time Periods

The time periods in the grievance procedure may be altered by mutual consent of the parties. At any step of the grievance procedure, the employee may be accompanied by and represented by a member of the Association Group.
5.03 Arbitration of Dismissal Grievances

An employee who has had a disciplinary dismissal may ask an Arbitration Board to consider his/her grievance. If the matter is to be pursued to Arbitration the employee must serve written notice to the Executive Director, Human Resources within ten (10) working days of receipt of the President's decision. Further, within five (5) working days of such notice the employee must inform the Executive Director, Human Resources his/her nominee to the Arbitration Board. An Arbitration Board will be limited to reviewing whether the President has exercised reasonable judgement in formulating his/her decision.

The decision of the Board is final and binding on all parties. The parties shall bear their own expense of such proceedings and shall share the costs of the Chairman.