

	Policy No.: <p style="text-align: center;">2</p>	Approval Date: March 11, 2015 Created: March 3, 2015 Last Reviewed:
Title: <p style="text-align: center;">Grievances and Disputes Policy</p>		
Background & Purposes: <p>While not a trade union, as the recognized bargaining agent for Administrative and Professional Staff at SFU, the Association recognizes its duty to provide members with fair representation and to undertake processes in its representation that are in good faith and without discrimination as per the terms set out in its principle. There will be situations when the Association must, for specific reasons, make the decision not to represent a member on a particular matter, or to cease to represent a member in a particular matter.</p> <p>The purpose of this policy is to identify the principles, process, and recourse of the grievance and arbitration process as per Sections 5 and 6 of Policy AD 10.17 (Problem Resolution).</p>		

1. Any APSA member with an inquiry or concern will be directed to the APSA office. Based on the nature of the concern, members will be assigned an Advocate who will connect with him/her in a timely manner.
2. Principles for representing employees include:
 - APSA represents all Administrative & Professional employees with the exception of those excluded under Section 3.2 of the Basic Agreement Between Simon Fraser University and the Administrative and Professional Staff Association.
 - The duty of fair representation requires that the Association represent any employee in good faith, without discrimination, conscientiously and competently.

The focus must be on the employee's rights and interests; that focus must not be clouded by animosity or bias towards the griever, or concern about the needs of the University. If the employee's concern is not resolved at an informal level, the Advocacy Committee will collectively decide whether to enter the grievance process.

Based on current practice and precedent, the previous principles and following factors are considered by the Advocacy Committee when taking forward formal grievances:

- Were the AD 10 Policies or the Basic Agreement violated?
- Has every attempt been made to use a problem-solving approach to the issue?
- Have the legal implications been taken into account regarding the possible success of the case?
- What impact will the outcome of the case have on APSA?

A policy grievance may be taken forward based on current practice and precedent. The principles and factors noted above are to be considered by the Board or the Advocacy Committee when taking forward a policy grievance.

If the Advocacy Committee believes that a grievance should be taken to Arbitration, it will bring a recommendation to the APSA Board for approval. The Board must consider all of the previous factors and principles noted. The duty of APSA to provide fair representation is the over-riding factor.

In cases in which the Advocacy Committee either decides not to pursue a grievance or to withdraw a grievance at some point in the process, the member will be informed in writing of the decision. The member will have 14 days to notify the APSA President in writing that they wish to pursue an appeal and to present their case to an appeal panel drawn from the APSA Executive. The President will appoint a panel of three (3) to hear the appeal. Typically the 3 members of the appeal panel will be drawn from the Executive, however the President may nominate a member of the Board to sit on the panel when Executive members are unavailable or in the event of a conflict of interest. The member will have the opportunity to meet in person with the appeal panel to present her/his case. The appeal panel will then deliberate and vote on the matter. In the event of a tied vote, the matter will be decided by the President. The member will be informed in writing by the President of the appeal panel's decision. The decision by the appeal panel is binding and final.

Any written correspondence from the APSA office to the University during a Grievance process shall be copied to the APSA President.

The Board shall be kept informed of the status of all grievances through regular reports to Board meetings.

Information regarding grievances may be reported to APSA members, for example, through the news bulletins or at general meetings. Working within the APSA Privacy Policy, detailed identifying information, such as name and unit, will not normally be included.

The Board reserves the right to take forward any and all cases at any time. The Advocacy Committee will be informed of such decisions.

The Board and the Advocacy Committee adhere to a conflict of interest policy with regard to advocacy issues. Conflict of interest includes but is not limited to the following:

- Board/Committee members working in the same unit as the employee whose case is being discussed or potentially gaining from a situation, e.g. job opportunity.
- A Board/Committee/Staff member having a personal relationship with the affected employee, e.g. is a personal friend or has a conflictual relationship.
- A Board/Committee/Staff member's personal or professional interest potentially conflicting when involved in a matter before the committee or as a representative before the University.
- Personal or professional interest of a Board/Committee/Staff member potentially conflicting or adversely affecting, the broader interests of Association, the membership as a whole, or a member's advocacy case.

It is inappropriate for Board/Committee/Staff members to be involved in discussion or decision-making when such conflicts exist. Board/Committee/Staff members are expected to declare conflicts without penalty.