

# Grievance Policy

## References:

29 CFR Part 1614 - *Federal Sector Equal Employment Opportunity*

5 CFR Part 771 - *Agency Administrative Grievance System*

DoD Instruction 5145.05, *Alternative Dispute Resolution (ADR) and Conflict Management*, 27 May 2016

DoD Directive 1020.02E, *Diversity Management and Equal Opportunity (EO) in the Department of Defense*, 8 June 2015

DoD Directive 1400.25, *DoD Civilian Personnel Management System: Administrative Grievance System*, 26 December 2013

AFI 90-301, *Inspector General Complaints Resolution*, 23 August 2011

*Definition:* A grievance is an actual or perceived cause for protest arising out of some perceived or actual harm due to some action taken. This alleged action has the impact of imposing on the individual's legal rights, or the individual's right to pursue their education without fear or intimidation. Circumstances involving a grievance could be cause for a complaint.

Complaints can involve affirmative action or equal opportunity complaints that allege discrimination based upon race, color, religion, creed, sex (including sexual harassment), age, marital status, national origin, mental or physical disability, sexual orientation, gender identity and expression or genetic information in violation of DoD policy, federal or state laws. In addition, DEOMI specifically prohibits the differential treatment of faculty, staff, and students on the basis of political belief or affiliation, and membership or non-membership in any organization.

*Student Rights:* Students enrolled in either resident or non-resident DEOMI courses/programs are afforded certain rights that contribute to their overall success and satisfaction. Rights include, but are not limited to, the following:

- The right to be free from discrimination on the race, color, religion, creed, sex (including sexual harassment), age, marital status, national origin, mental or physical disability, sexual orientation, gender identity and expression or genetic information.
- The right to be free from sexual harassment.
- The right to open and free expression of thoughts and concepts in an environment of academic freedom, consistent with the interests of good order and discipline under the Uniform Code of Military Justice. See also DEOMI OI 36-19, *Academic Integrity/Freedom*.
- The right to ownership of appropriate intellectual property. Note: In accordance with AFI 51-303, *Intellectual Property--Patents, Patent Related Matters, Trademarks and Copyrights*, materials developed using Air Force appropriated funds may not be copyrighted by the individual, they are the property of the United States Government. The 45<sup>th</sup> Space wing legal office is available to answer any questions students may have concerning ownership of intellectual property.
- The right to submit a written complaint on DEOMI policies, procedures or actions through DEOMI chain of command.
- The right to due process. See AFI 90-301.

**Grievance Policy:** DEOMI students are encouraged to discuss their grievances, unresolved issues, or concerns with their assigned Group Trainers. However, a more formal appeal can be made, verbally or in writing, to the supervisor of the person with whom she/he has the disagreement. The supervisor will consider all the details and make a decision. If the student still does not agree with the supervisor's

decision a formal administrative review is available as outlined in this document. If a solution to the grievance is not obtained, then the grievance can be taken to the Dean of Education and Training.

### **Process**

*Informal Grievance:* Every DEOMI student is expected to provide constructive feedback about the programs they attend using the provided mechanisms. Leadership is required to provide a *written* response to informal grievances. The student should attempt to resolve the issue on their own if they are comfortable enough to do so, going immediately to the offending employee. If not satisfied with the interaction, a faculty-led conference with the individual will be held to resolve the matter informally at this level.

If the informal meeting does not resolve the matter, the student may contact the Dean and file a written grievance (Formal Grievance).

*Formal Grievance:* DEOMI students have the right to formally present a program/course-related grievance, in writing. Matters should be addressed at the lowest authority level possible; however, all formal grievances will be elevated through the chain of command and be reviewed by the Dean of Education and Training. For academic matters, this generally means working with course instructors, Directors, and the Dean, as applicable and may include mediation. For non-academic matters (*Complaints*), this generally means working through supervisory channels before addressing them to higher-level command channels or the Inspector General system. A written response will be provided once the grievance is resolved.

*Inspector General (IG) Complaints:* Individuals also have the right to file a complaint with the IG without going through supervisory/command channels first.

*EO/EEO:* DEOMI's grievance process is not intended to circumvent the student's ability to formally file a complaint of discrimination based upon age, sex (including sexual harassment), sexual orientation, race, religion, color, disability, or other conditions.

### **Procedures**

DEOMI's grievance procedures are intended to support the aggrieved and resolve issues at the lowest possible level.

Alleged complaints of discrimination based upon age, sex (including sexual harassment), race, color, religion, disability, or other conditions, preferences, or behavior will be processed following DoD policy and directives. Complaints are serious matters and will be processed following federal law and/or DoD policy and directives.

The Dean of Education and Training has oversight of the formal student grievances process. The purpose of the student grievance procedure is to provide a system to channel student grievances against faculty and staff concerning the following:

- Academic matters, excluding individual grades, with which students have a grievance.
- Any other matter not specifically addressed that does not have another grievance process.

For formal grievances, the applicable Director will explain the process to the student and provide him/her with DEOMI Form 36, *Grievance Form* (attached). The completed form must be returned to the Director within *three class days*. The appropriate training directorate shall advise the Dean, in writing and within *three class days* of receipt of the grievance form, concerning their inquiry of the student grievance. If the written statement of the training directorate does not satisfy the grievant, the Dean will hear the appeal.

To execute this step the student must submit a written request within *three class days* after receiving the written response from the appropriate training directorate. The request shall include (1) a copy of the original grievance form, (2) a copy of the training directorate response, and (3) the reason the training directorate response is unsatisfactory. *The individual against whom the grievance was filed shall be given three (3) days to respond in writing to the Dean of Education and Training.* The Dean will hear the grievance, review all written information, and interview any persons necessary to render a written decision within *five working days* after the rebuttal (if provided) by the individual against whom the grievance was filed. The decision will be forwarded to the grievant and concerned parties involved (e.g. Director, Supervisor, etc.). The decision of the Dean may be appealed to the Commandant by either party involved within *three working days* of the decision. The Commandant shall review all information, interview all parties, and conduct any additional inquiries that are deemed necessary to render a decision within three working days of receipt of the appeal.

*Notification:* Notification of the final decision on formal grievances involving academic matters at DEOMI will be provided to the DEOMI Commandant. Notification of the final decision on formal complaints involving non-academic matters will be provided to appropriate DEOMI staff agencies (e.g., Student Services, Director, etc.).

*Appeals:* After a final decision is rendered by the Dean, if a student has a grievance about the school's formal grievance process, he/she may appeal in writing to the Commandant. Students have *five working days* to appeal. Decisions made at the Commandant's level are final.

*Other:* Persons having a grievance against DEOMI regarding non-compliance with standards or policies set forth by the Council on Occupational Education (COE) may do so by following COE procedures at <http://www.council.org/>

The mailing address and contact information for the Council is:

Council on Occupational Education  
7840 Roswell Road  
Building 300, Suite 325  
Atlanta, GA 30350

Telephone (Local): 770-396-3898  
Telephone (Toll-Free): 800-917-2081  
Fax: 770-396-3790

# DEOMI GRIEVANCE FORM

## Grievant's Information:

Grievant's Name

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Branch of Service

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Grievant's Work Address  
(City, State and Zip Code)

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Grievant's Home Address (optional)  
(City, State and Zip Code)

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Grievant's Work Telephone #

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Grievant's Home Telephone # (optional)

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**STATEMENT OF GRIEVANCE:** (Please state the event causing this grievance and list the specific issues, policies, rules, regulations or agreements you claim have been violated, misapplied or misinterpreted. If more space is needed, use plain bond paper.)

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## RELIEF SOUGHT:

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Grievant's Signature

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Date Filed